

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA ( NUMBER 3:04-CR-240-G  
(  
(  
VERSUS (   
(  
(  
HOLY LAND FOUNDATION, ET AL. ( June 28, 2007

---

PRETRIAL CONFERENCE  
TRANSCRIPT OF THE TRIAL  
BEFORE THE HONORABLE A. JOE FISH

---

A P P E A R A N C E S:

For the Government: MR. JIM JACKS  
MR. BARRY JONAS  
MS. ELIZABETH SHAPIRO  
MR. NATHAN GARRETT  
Assistant United States Attorney  
UNITED STATES DEPARTMENT OF JUSTICE  
NORTHERN DISTRICT OF TEXAS  
U.S. Courthouse  
1100 Commerce Street  
Dallas, Texas 75242  
214/659-8600

For the Defendant Shukri Baker:

MS. NANCY HOLLANDER  
MS. TERESA DUNCAN  
FREEDMAN BOYD DANIELS  
HOLLANDER  
20 First Plaza, Suite 700  
Albuquerque, NM 87102  
505/842-9960

18:00 1 For the Defendant El-Mezain:

2  
3 MR. JOSHUA DRATEL  
4 MR. AARON J. MYSLIWIEC  
5 LAW OFFICE OF JOSHUA L. DRATEL  
6 14 Wall Street, 28th Floor  
7 New York, NY 10005  
8 212/732-0707

9 For the Defendant Mufid Abdulqader:

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
18:00 8 MS. MARLO CADEDDU  
9 LAW OFFICE OF MARLO P. CADEDDU  
10 3232 McKinney Avenue, Suite 700  
11 Dallas, Texas 75204  
12 214/744-3015

13 For the Defendant Elashi:

14  
15 MS. LINDA MORENO  
16 LAW OFFICE OF LINDA MORENO  
17 PO BOX 10985  
18 Tampa, Florida 33679  
19 813-247-4500

20  
21 MR. JOHN D. CLINE  
22 Jones Day  
23 555 California St  
24 26th Floor  
25 San Francisco, CA 94104-1500  
415/875-5812

18:00 1 For the Defendant Odeh:

2  
3 MR. GREG WESTFALL  
4 WESTFALL PLATT CUTRER  
5 Mallick Tower  
6 One Summit Avenue, Suite 910  
7 Fort Worth, Texas 76102  
8 817/877-1700

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

18:00 8 Court Reporter: Cassidi L. Casey, CSR No. 1703  
1100 Commerce Street, Rm 15D6L  
Dallas, Texas 75242  
214-254-3139

18:00 1

P R O C E E D I N G S:

2

3

4

5

6

7

8

9

10

11

12

13

14

18:00 15

16

17

18

19

20

21

22

23

24

25

THE COURT: This is a pretrial conference in the case of United States against Holy Land Foundation and Others, which is our Docket Number 3:0 4-240-G. I have a number of matters on my agenda that I wanted to cover with you, and if you have other matters, we will take those up at the appropriate time.

First, I think about two or three months ago I put out an order called Order Regarding Conduct of Trial. And I know there are voluminous pleadings in this case so you might have some difficulty locating it, but that's my effort to reduce to writing the way I do things the courtroom in trial. I have tried cases with Mr. Jacks but I don't remember that I have worked with any of the rest of you before. So I would like you to be familiar with that order by the time we commence trial.

I want to be sure now I have all the pretrial materials that the parties intend to give us such as witness lists, exhibit lists, voir dire questions and so forth. Do we have those from the government?

MR. JACKS: Yes, sir. We will be amending, but you have the original.

MS. HOLLANDER: Same for us. We will be amending, but you do have a witness and exhibit list.

MR. DRATEL: Your Honor, the voir dire, we had

18:00 1 asked and been granted permission to await the  
2 questionnaire so that we could focus those questionnaires  
3 more appropriately.

4 THE COURT: And I do want to discuss that in  
5 more detail in my agenda here, but thanks for that  
6 clarification, Mr. Dratel.

7 Since we have exhibit lists from both sides,  
8 have each side seen the other side's exhibits? Have those  
9 documents been exchanged?

10 MS. HOLLANDER: Most of them. I think we are  
11 missing some, and the government may be missing some, but  
12 we're continuing to communicate about what we're missing.  
13 Some of the government's were misidentified, and I think  
14 maybe ours were, too, but at this point we're working  
18:00 15 those issues out.

16 MR. JACKS: Yes, sir.

17 THE COURT: Do you intend to have a set of  
18 exhibits for the Bench?

19 MR. JACKS: Yes, sir.

20 MS. HOLLANDER: We're assuming you wanted them  
21 later because they are voluminous.

22 THE COURT: And that raises another question  
23 now. I have a letter dated June 15, 2007 on the  
24 letterhead of the Dallas Morning News over the signature  
25 of a man named Jason Trahan who says that he's a reporter,

18:00 1 and he anticipates covering this trial and he says -- I'll  
2 quote a portion of it. "While I do not wish to interrupt  
3 the Court's business in any way, I would like to insure  
4 that I am able to gain access to the evidence on the same  
5 day it is introduced. This is so I am able to fully  
6 understand what's going on and be able to report  
7 accurately and with appropriate context. Otherwise, I  
8 will not be able to read documents which I will have to be  
9 writing about on a daily deadline because they are  
10 discussed in Court. In a prior case involving some of the  
11 defendants, I have been told that Judge Lindsay had been  
12 given copies of admitted exhibits at the end of each trial  
13 day. Using a portable document scanner the  
14 reporter scanned documents, and the court reporter oversaw  
18:00 15 the newspaper representatives' inspection to maintain the  
16 document's integrity. I do not expect to be able to  
17 rummage through evidence on my own." So I think we should  
18 try to make evidence accessible to the press on a daily  
19 basis, and if the parties have all of their documents in  
20 electronic media, maybe we could make a disk available to  
21 the media if that's practicable. I don't know whether it  
22 is or alternatively let them scan the paper documents.

23 MR. JACKS: I guess the first thing that comes  
24 in my mind is, if the disk would have all the exhibits  
25 some of which --

18:00 1 THE COURT: I don't know if that's practical or  
2 not. I know some editing would be involved.

3 MR. JACKS: That was our concern in the earlier  
4 trial. We didn't want it to fall upon us to be taking  
5 time out of our day to make copies for them. As far as,  
6 you know -- I don't know how much work it would take to  
7 burn or select -- Okay, these have been admitted today.  
8 Burn these to a CD and give them to him. I guess we would  
9 just have to think about that.

10 THE COURT: Are we going to have paper documents  
11 that we could scan if he wants to do that?

12 MR. JACKS: Yes.

13 THE COURT: Well, maybe we should do what he's  
14 requested then, just let him access to the paper documents  
18:00 15 at the end of each day that have been admitted during that  
16 trial day.

17 MR. JONAS: Your Honor, in the Infocom case  
18 before Judge Lindsay the Dallas Morning News acted as a  
19 liaison to the rest of the press. So that may be a good  
20 idea.

21 MR. JACKS: Well, both of them. To say they  
22 were the pool may be a bit of an exaggeration.

23 MS. HOLLANDER: I think neither side wants them  
24 to have something that was denied or may not have been  
25 admitted. And there is another wrinkle, and that is Mr.

18:00 1 McGonigle, who's a Dallas Morning News reporter is on the  
2 witness list.

3 MS. SHAPIRO: He won't be covering the trial.

4 MS. HOLLANDER: Yes, but is he going to get the  
5 exhibits.

6 MR. DRATEL: Your Honor, there is something in  
7 the letter that says I can't do it all myself. I want to  
8 scan it. He may want to bring it back to the office who  
9 are familiar with the case. It's Mr. McGonigle, and  
10 that's a Rule 615 issue.

11 MR. JACKS: I thought he was saying he would  
12 need help from a court clerk or personnel.

13 THE COURT: I don't think he says anything in  
14 there about giving the documents to anybody else. But I  
18:00 15 read it too quickly.

16 MR. DRATEL: He says I don't expect to be able  
17 to rummage through evidence on my own. I guess Mr. Jacks  
18 is right. It seemed to me he was going to be getting help  
19 from the office, but if it's from a witness, we need to  
20 oppose that.

21 THE COURT: Well, I agree with that. I didn't  
22 realize that Mr. McGonigle is still with the Dallas  
23 Morning News. I recognize he was a reporter in the past,  
24 but I haven't seen any stories recently.

25 MS. SHAPIRO: He's still there, but he won't be



18:00 1 covering the case because he's a witness.

2 THE COURT: But in my event, before we agree to  
3 Mr. Trahan's request, I need to ascertain that he would be  
4 the only one going through the documents and not sharing  
5 them with anyone at the Dallas Morning News.

6 MS. HUDSON: Is it okay that he acts as the  
7 liaison with any other media? I just got a call during  
8 the week about someone interested in the same thing.

9 THE COURT: Well, we might ascertain whether Mr.  
10 Trahan is willing to do that, and we'll tell anybody else  
11 who inquires they need to contact Mr. Trahan.

12 Let me go back to the subject of exhibits for  
13 the moment. I know we have this electronic courtroom so  
14 this question is a bit obsolete, but do you anticipate  
18:00 15 having any large exhibits or photographs like charts or  
16 maps or do you intend to use the electronic?

17 MR. JACKS: We intend to use the electronic.

18 MR. GARRETT: We will, your Honor.

19 MR. JACKS: And as far as how big they are --

20 MR. JONAS: They are a poster size. The record  
21 will reflect. Right here.

22 THE COURT: Just be sure the defense has seen  
23 those before they are displayed to the jury so if there is  
24 any objection I can rule ahead of time.

25 MS. HOLLANDER: We do have some charts and maps.

18:00 1 Whether we're going to blow them up or not, I don't know.  
2 But we'll tell the government also.

3 MR. DRATEL: Just one thing. While we're on the  
4 subject of electronic system in the courtroom -- and we  
5 had a training session yesterday -- and with respect to  
6 your Honor's court rules, I want to know how your Honor  
7 wants to do it. The reason I ask is it's an extra step  
8 that takes time, and if it's the Rule that's fine. I just  
9 want to know. And that's the function. Before the jury  
10 gets to see a document that's placed on the document  
11 camera or the lap top, is the jury off? That's controlled  
12 from the Bench? And I don't know if the Court does that  
13 or whether the deputy does that, and the question is  
14 obviously the Court's rules say only address the Court,  
18:00 15 not the deputy. If we ask the Court and then the Court  
16 directs the deputy or can we direct the deputy at the same  
17 time?

18 THE COURT: Well, Ms. Hudson is my courtroom  
19 deputy, and in most cases she's not in the courtroom after  
20 the jury selection. Unfortunately, that leaves me to  
21 operate the equipment, and I'm technologically challenged,  
22 as you will find when we get under way.

23 MR. DRATEL: That's fine. If you are going to  
24 be doing it, it makes it easier.

25 MS. HOLLANDER: The other thing we heard, are

18:00 1 the witness and the jury are controlled by the same  
2 button? So we may have to approach the witness with the  
3 actual document before we turn on the button?

4 THE COURT: Well, I'm sure there will be a  
5 learning curve for all of us as we get started.

6 MR. JACKS: May I ask a question?

7 THE COURT: Yes, sir.

8 MR. JACKS: Will you have your own lap top?

9 MS. HOLLANDER: Yes, we have a lap top and a  
10 paralegal who will be sitting behind the seats right  
11 behind counsel with a lap top, and then looking at the  
12 screen, that's one of the screens that's there. That's  
13 the way --

14 MR. JACKS: I was just wondering. I have never  
18:00 15 had a trial where both sides were using their own lap top.  
16 I have had it where there was one lap top and if the  
17 defense had electronic exhibits, then they would have been  
18 either by CD or something loaded into the one government  
19 lap top, and I don't know if -- I don't know --

20 THE COURT: Did I understand correctly that both  
21 sides are going to have paralegals operating this  
22 equipment and that they have had the training from the  
23 Clerk's Office?

24 MS. HOLLANDER: Our paralegal has had the  
25 training, yes.

18:00 1 THE COURT: Do we have audio tapes or video  
2 tapes?

3 MR. JACKS: Yes, sir.

4 THE COURT: And I guess you will be playing  
5 those from the lap tops, also.

6 MR. JACKS: Yes, they have been digitized.

7 THE COURT: I had the impression from our  
8 Kastigar hearing the other day that the government had  
9 certain transcripts that it intends to rely on. I just  
10 wanted to cover with everybody what my understanding is of  
11 the law in our circuit on admission of transcripts. There  
12 is a Fifth Circuit pattern instruction that's been used  
13 numerous times -- approved by the Circuit I think in  
14 virtually all instances -- that I should instruct the jury  
18:00 15 that where a transcript is involved that it's only  
16 secondary evidence, that the primary evidence is the tape  
17 recording or video tape and that they are the sole judges  
18 of who the speakers are and what the content of the  
19 conversation is. It not infrequently occurs that there is  
20 a dispute between the prosecution and the defense on  
21 whether a transcript is accurate. As I understand the law  
22 of the Circuit, that's not a grounds for denying admission  
23 to a transcript. Rather, the remedy is if there is a  
24 disagreement, for each side to produce their own version  
25 of what the transcript should be, and then the jury

18:00 1 decides which is the accurate version. The circuit  
2 suggested long ago in a case called United States against  
3 Onori, 535 F 2nd 948 at 958, Footnote 5, a 1976 decision,  
4 that this matter is best handled at pretrial -- which is  
5 why I raise it now -- and that an effort should be made  
6 for the parties to agree on the transcript if possible,  
7 and if not, that's why I said alternate versions should be  
8 produced for the jury's consideration. So that's my  
9 understanding of the law of the circuit if we have a  
10 disagreement between the parties on the accuracy of the  
11 transcript.

12 MR. JACKS: Well, your Honor, that was one of  
13 the things that we were going to bring up. You know,  
14 throughout the case, the defense has contended there were  
18:00 15 inaccuracies in the government's transcriptions at various  
16 points in the investigation and whatever. And it was our  
17 hope that we could address to the extent possible, okay,  
18 what are the inaccuracies. Maybe if we agree to them or  
19 they agree to them. And let's try to get one transcript  
20 that both sides agree to. And so that's what we would  
21 like to add. The other point that I wanted to ask about,  
22 I understand the Fifth Circuit law, but when the tape is  
23 in a foreign language, the jury -- the tape is the primary  
24 evidence, but if it's in a foreign language, then they are  
25 really relying on the transcript or the testimony of the

18:00 1 translator that this is a fair and accurate transcription.

2 THE COURT: Right.

3 MR. JACKS: I can't recall a case addressing  
4 foreign languages.

5 THE COURT: I have had cases like that. One of  
6 them is United States against Allibhai which is a reported  
7 decision in the Fifth Circuit. I don't think you were the  
8 prosecutor, but it was foreign nationals who were Muslim  
9 who were alleged to have been sending money overseas to  
10 the Àgha Khan, who was the head of their branch of Islam.  
11 And their native language was Gujrati.

12 MS. HOLLANDER: Did the jury listen to the tape  
13 in GU?

14 THE COURT: My memory is yes, but it was a long  
18:00 15 time ago. So I'm not certain of that, but I'm ninety  
16 percent certain.

17 MS. HOLLANDER: Your Honor, to get back to the  
18 question, maybe it was Mr. Jacks's question about trying  
19 to agree on the transcripts. We received these two  
20 hundred transcripts on May 29th. We are trying to go  
21 through them and see if we have any disagreements that are  
22 material, and we hope to have that done, but it is not  
23 finished.

24 THE COURT: Well, I understand it's a large job  
25 among many other large jobs.

18:00 1 MS. HOLLANDER: There is just so much we can get  
2 finished in a day, but we're aware of this issue.

3 MR. JONAS: Your Honor, it's not just  
4 transcripts for video and audio tapes; it's a lot of  
5 documents where we have translation, and so we include  
6 that in the pool.

7 MS. HOLLANDER: Right. And there are thousands.  
8 That's true. We're trying to find any that are a serious  
9 issue and deal with those. But it's an enormous task, and  
10 I can say that it probably will not be finished by the  
11 time we go to trial, and there will be some issues that  
12 come up at trial.

13 MR. JONAS: If I may ask, are the defendants  
14 aiding in that? None of this is classified, and this is  
18:00 15 their native language. How are they aiding in the  
16 translations?

17 MS. HOLLANDER: How we're doing is really work  
18 product.

19 MR. JACKS: Well, your Honor, I would request as  
20 they find the parts where they disagree, if we would come  
21 to us and see if we can agree rather than lay behind the  
22 law and try to make it some kind of a litigation advantage  
23 or something. If we could resolve those.

24 THE COURT: Well, I would certainly encourage  
25 that. I'm not telling either side how to try its case

18:00 1 because you are all experienced trial lawyers, and I know  
2 you have your own way of doing things, but I think that  
3 would make things go smoothly if we could iron out as many  
4 difficulties like that as possible beforehand.

5 MR. WESTFALL: First of all, I can now certainly  
6 empathize with your issue of being able to hear all the  
7 way down at the other end of the table. I have tried one  
8 transcript case, and my memory is that an instruction is  
9 given at the time the transcript is introduced in  
10 evidence. Is that correct?

11 THE COURT: That's the way I typically do it,  
12 give a verbal instruction to the jury at that time. And  
13 in my written instructions at the end, I will repeat that.  
14 And I ma -- Depending on how many repeats there are, I may  
18:00 15 give some version of that as we go along. If we have two  
16 hundred come in evidence, I probably won't be doing it  
17 every time, but from time to time I would, yes.

18 MR. JACKS: The report I got from our paralegal  
19 is that the transcripts -- We asked them to copy on the  
20 front and back of the page to cut down on the volume of  
21 paper. But I think it's like four binders. So we will  
22 have those for the parties and the jurors and the court.

23 THE COURT: Okay. Good. There was some  
24 discussion at previous conferences about efforts to  
25 stipulate to business records to avoid the government



18:00 1 having to call a lot of custodial witnesses, and I haven't  
2 heard anything further since then. Has any progress been  
3 made on that front?

4 MR. JACKS: No, your Honor. That was one of the  
5 things we were going to bring up just to see what we could  
6 do about -- I sent this proposed stipulation. It's both  
7 foreign bank records, financial institutions. We have not  
8 really heard from opposing counsel and so don't know their  
9 position, and that's one of the things that we would like  
10 to try to address and get resolved to expedite, shorten,  
11 focus the trial.

12 MS. HOLLANDER: Your Honor, we couldn't respond  
13 until we saw the exhibits, and now we're trying to go  
14 through and see whether there are some we can stipulate to  
18:00 15 or whether we have some stipulations that we want to  
16 request of the government. We have actually discussed  
17 that as recently as yesterday, but we haven't --

18 THE COURT: You mean amongst yourselves or with  
19 the government?

20 MS. HOLLANDER: Amongst ourselves. We haven't  
21 discussed it with the government yet, but we have  
22 discussed it among ourselves and are trying to figure out  
23 what our position is. We're not quite there yet. We'll  
24 try to get there as soon as possible.

25 THE COURT: I was reminded during the Kastigar

18:00 1 hearing the other data we have a superseding indictment in  
2 this case. Have the defendants been rearraigned on the  
3 superseding indictment?

4 MR. DRATEL: I don't think so.

5 MS. HOLLANDER: I guess not.

6 MR. JACKS: I can't remember -- I know in the  
7 earlier case involving Mr. Elashi when there was a  
8 superseding indictment I sent out a waiver of  
9 rearraignment, and it was signed by the defendants. I  
10 don't remember if I did that in this case or not.

11 MR. DRATEL: I don't recall. The reporter is  
12 nodding when I said before, I don't think I have  
13 actually -- I don't think I have actually been in open  
14 court with your Honor in terms of an arraignment.

18:00 15 THE COURT: That's probably right. That's  
16 something we need to either get a waiver or take care of  
17 at some point before the trial commences.

18 MR. WESTFALL: If you prepare a waiver, I'll be  
19 fine with that.

20 MR. DRATEL: That's fine. I had no  
21 recollection.

22 MS. HOLLANDER: I don't think we have.

23 THE COURT: I wanted to tell you about one thing  
24 that I have started recently that I have had good results  
25 with, and that is especially in a trial as long as this

18:00 1 one is expected to be, I have begun taking photographs of  
2 the witnesses who testify and writing their name either at  
3 the bottom or the back, and we send those to the juryroom  
4 at the conclusion of the case with the documentary  
5 evidence and my instructions so that the jurors can recall  
6 who testified and what they said. In talking with jurors  
7 informally after a case is over, generally I have gotten  
8 good reviews on that. They say it does assist them in  
9 their deliberations. So I want to use that procedure in  
10 this case. And my assistant Eleanore has a digital  
11 camera. So if you would like us to take the pictures,  
12 when your witness is ready testify, be sure to send them  
13 back so that she can take their picture, and they will be  
14 portrayed in the same clothing they are wearing when  
18:00 15 testifying. If you want to do it yourself, that's fine  
16 with me as long as the witness looks the same way in the  
17 photograph when they do when they appear on the stand.

18 MS. HOLLANDER: Can we have those photographs so  
19 we can remember after several months?

20 THE COURT: I know there is one witness the  
21 government is concerned about, the Israeli agent. We  
22 shred the paragraphs after the trial is over. We don't  
23 make them a part of the record.

24 MS. SHAPIRO: I think as long as it's not  
25 disseminated.

18:00 1           THE COURT: One other thing about the jury.  
2       Because of the anticipated length of trial, it's my  
3       intention to let the jury take notes, and I will give them  
4       the cautionary instructions in the Fifth Circuit Pattern  
5       Instructions about the notes are only for their own  
6       benefit and not to rely unduly on the notes of other  
7       jurors who may be better notetakers than they are and so  
8       forth.

9           Let's see. I think we need to talk more about  
10      the procedures for voir dire. I know we have discussed it  
11      in the past in general terms. My memory is a little hazy.  
12      I have not gone back and reviewed the transcripts of our  
13      earlier sessions. But I have it in my mind -- and maybe  
14      based largely on what Ms. Moreno told us about her  
18:00 15     experience and maybe Mr. Dratel as well. I'm hoping to  
16      have a jury in place within the first three or four days.  
17      I understood that you are willing to live within some  
18      reasonable time limits to be imposed by me, but I wanted  
19      to go back and review again what we talked about earlier.  
20      My impression is we would have a general session where I  
21      would make some remarks and then counsel would have --  
22      maybe and I don't remember this exactly -- maybe an  
23      opportunity to make some remarks or ask some questions of  
24      the panel as a whole, although I don't think with two  
25      hundred forty people, more or less, in our panel that we

18:00 1 can do it all at one time unless we do it outside the  
2 courtroom because my courtroom won't hold that many  
3 people. So we might have to have two or three different  
4 sessions. But anyway, there would be a general session,  
5 and then based upon questionnaire answers you will have  
6 received, you wanted to bring them up in smaller groups  
7 and question them individually. So I wanted to refresh my  
8 memory about that and talk about it maybe in more detail  
9 than we have in the past. Mr. Westfall.

10 MR. WESTFALL: What seems like logistically the  
11 best option -- We talked about this yesterday -- would be  
12 to bring up the small groups of five to fifteen at fifteen  
13 minutes per juror, hopefully knocking out thirty a day. I  
14 think that was the number. And once we have exercised  
18:00 15 challenges for cause and built up enough jurors to where  
16 we can have an entire panel, at that point bring that  
17 panel in and do your general instructions on burden of  
18 proof and all of that. That would get rid of the big  
19 logistical difficulty in the front.

20 THE COURT: Have you discussed that with the  
21 government? That sounds like a good plan to me if they  
22 don't have a problem with it.

23 MR. JACKS: We are opposed to that. I don't see  
24 the need to have the second smaller groups. To me, it  
25 seems like the most efficient way to do it is like we have

18:00 1 always done it in that we have the general voir dire --  
2 and I understand that you may have to have two sessions  
3 because of the number of jurors in the panel, but -- and  
4 then if certain jurors indicate any kind of positive  
5 response that needs follow-up, bring those up and those  
6 alone, as opposed to bringing everyone up in these small  
7 groups. I'm concerned, first of all, this goal of fifteen  
8 minutes is not going to be met. Questions and follow-ups  
9 are going to be -- There is going to be the need for more  
10 follow-up as to certain jurors. So whether we could  
11 maintain that schedule -- And even if the Court decided  
12 that we're going to maintain it, you are sitting there  
13 watching the clock rather than focusing on what the juror  
14 says and exploring that. I think it's more logical and  
18:00 15 more efficient to do the standard voir dire, have the  
16 Court give its portion of the voir dire, if the parties  
17 have any kind of individual voir dire they would like to  
18 do, and I think that should be explored through the court,  
19 the questions that the parties propose to ask during their  
20 individual voir dire. And then if there are positive  
21 responses that indicate follow-up is needed, just bring  
22 those people in, Not go through this procedure with a  
23 hundred and something people and then bring them back in  
24 at fifteen at a time and go through -- I just think that  
25 puts an extra step in there that is not really necessary.

18:00 1           THE COURT: Let be go back and be sure I  
2 understand what you are saying, Mr. Jacks. We have now --  
3 just for a round number -- 40 people in our panel. And I  
4 understand we have the second group as we speak in the  
5 process of answering these questionnaires. So we will  
6 start with that group of 240 to which you will have  
7 questionnaire answers. My courtroom probably at the  
8 maximum would hold about sixty potential jurors. So under  
9 your plan, we would need probably -- If we have a voir  
10 dire for all 240, we would need four days to do that or  
11 four and a half days, however long it takes. So your idea  
12 would be on Monday July 16, we would bring the first group  
13 of sixty in my courtroom, have a general voir dire session  
14 and if necessary follow-up with individual voir dire by  
18:00 15 counsel, and then we would bring a second group in I guess  
16 either the afternoon of the 16th or the next day on the  
17 17th and do same thing all over again and whether we do  
18 that for the third and fourth groups if we needed to reach  
19 them?

20           MR. JACKS: Actually, your Honor, I was hopeful  
21 if we could use Fitzwater's courtroom if it was available.  
22 I think it holds a little over a hundred plus -- I was  
23 asking -- Maybe Gail O'Neal told me. But it's -- so that  
24 would -- If his courtroom was available, that would cut it  
25 down to two. We could do a hundred or two hundred at a

18:00 1 time, and if we couldn't get enough out of that, I guess  
2 we could look at the next thirty or something. That was  
3 my thought in terms of the overall voir dire. But, yeah,  
4 under what you said, if we used your courtroom it would be  
5 even further stretched out and extended. And I just -- As  
6 I said, I think bringing them up in groups of ten or  
7 fifteen is an unnecessary extra step.

8 THE COURT: Mr. Westfall, let me go back and  
9 kind of review from the beginning what your proposal is.  
10 Under your proposal, I guess we would start out with this  
11 240, although we may not bring them down to courtroom the  
12 same day because we couldn't probably talk to all of them.  
13 You mentioned small groups. Go over with me step by step  
14 what the size of those groups would be or would we be  
18:00 15 talking to the potential jurors in groups or one at a  
16 time? How would that work exactly?

17 MR. WESTFALL: We would bring them in the  
18 courtroom one at a time. We would bring them as a group,  
19 but bring them in the courtroom one at a time for a  
20 maximum of fifteen minutes.

21 THE COURT: Per side or both sides?

22 MR. WESTFALL: Seven and a half minutes per side  
23 which we're willing to have strict time limits on that.  
24 The questioning would commence, and there is some jurors  
25 that there may not be any time at all spent with them.



18:00 1 Some jurors, maybe the whole fifteen minutes spent with  
2 them. The advantages of that, as we discussed earlier,  
3 this case has certain issues that we have a hundred ten  
4 people sitting out there there is a chance that all a  
5 hundred ten might have to be flushed if we had a  
6 sufficient outbreak and that's what we had discussed  
7 earlier. That would move along pretty well. It really  
8 would. And we do the math and figure up the number of  
9 jurors we need which is fifteen or sixteen. I can't  
10 remember.

11 THE COURT: I am going to use the maximum number  
12 of alternates which is six I think the Rules say.

13 MR. WESTFALL: And you throw challenges on top  
14 of that, that is how big a panel we would have to  
18:00 15 assemble, and it's a matter of when that panel gets  
16 assembled. And then it was contemplated before that the  
17 struck juror method would be used where the whole panel is  
18 assembled, and you would want maybe ten additional in  
19 case somebody said I can't follow the burden of proof, but  
20 after we have gone through all the preliminary remarks and  
21 individual voir dire, I can't imagine that we would have  
22 much of a problem with that and the jury is basically cut  
23 using that struck method in the course of thirty minutes  
24 to an hour. Tops. As opposed to doing the same thing  
25 four days in a row with large panels, I really think it's

18:00 1 a more efficient way of getting it done.

2 MS. MORENO: Your Honor, if I may, the other  
3 step that wasn't discussed by Mr. Jacks is there should be  
4 an opportunity before July 16 -- because my understanding  
5 is we're going to get these questionnaires -- tomorrow,  
6 sometime over the weekend, that we might be able to  
7 stipulate to some cause challenges and narrow down the  
8 list even further which would cut down the time further,  
9 and it's been my experience -- counsels' experience this  
10 often happens where the answers on the questionnaires are  
11 so flagrant that both sides think it's an easy stipulation  
12 for cause. So I think that is also going to ameliorate  
13 the time concerns that your Honor has.

14 THE COURT: I was just trying to figure out in  
18:00 15 my own mind to do the arithmetic. If we could do fifteen  
16 minutes per member of the panel, that's a maximum of four  
17 people per hour, and hopefully, some we didn't need to  
18 spend any time on like Mr. Westfall said. I don't really  
19 know that. So the conservative approach would be to say  
20 we spend fifteen minutes on each one. And I'm normally in  
21 court maybe five and a half to six hours a day. So that  
22 would mean that we could do probably on the outside about  
23 twenty-five people a day using that approach.

24 MR. WESTFALL: We would want to bring more in  
25 case somebody has a cause challenge.

18:00 1 THE COURT: Sure. So that would take four days  
2 to do a hundred people at that rate.

3 MR. JACKS: Fifteen minutes per juror?

4 MS. HOLLANDER: We don't need anymore after  
5 that.

6 MR. JACKS: Well, let's say there is a hundred  
7 we have to question. I think my math is right. That's  
8 twenty-five hours, and that's if you are watching the  
9 clock. That fifteen minutes stops. No going out. He's  
10 in the bathroom. Let's get them back. Let's say you are  
11 bringing up fifteen, and five of those don't have anything  
12 to say. We could have figured that out when we had them  
13 in the group when we asked those questions, and those that  
14 had an issue, we bring them back and explore it. If we do  
18:00 15 it in the traditional way, we locate those within the  
16 larger group that have some issue, and we focus on those.  
17 And I just think -- I think it would be making it more  
18 difficult than it needed to be. It would be committing to  
19 a process that's going to -- I don't think there is any  
20 way that we would be able to adhere. We're talking about  
21 lawyers, your Honor. One more question, you know, it  
22 turns into ten more questions. You know, your Honor, this  
23 is very important. This way we will be able to  
24 concentrate on the jurors that really do have an issue as  
25 opposed to running them all through the gate and saying

18:00 1 you are okay. Go ahead. I want to ask them -- You give  
2 them time, they will think of a question they want to ask.

3 MR. DRATEL: We do this all the time in the  
4 state court. You get a certain amount of time, and you  
5 use it, and the court stops you. I thought this had been  
6 decided last time. We spent a lot of time figuring out  
7 the mechanics. The Court had said individual voir dire  
8 and attorney voir dire. Fifteen minutes per person is a  
9 maximum. So we're not talking about fifteen minutes maybe  
10 more; we're talking about a maximum. We're not going to  
11 have fifteen minutes per person, so we're going to get  
12 ahead in that way. And once we get to -- I think the  
13 magic number, fifty-two or something, once we get there,  
14 we stop. Because of the way the system has operated, we  
18:00 15 have already eliminated those who were a waste of time.  
16 We eliminate more people we would have wasted time on, as  
17 Ms. Moreno suggested. We're getting down to core jurors  
18 who are the mix. We're -- I don't think we're going to  
19 get past a hundred. In this context, I think it would be  
20 very unusual if we got past a hundred.

21 MR. JONAS: Your Honor, a question for  
22 clarification. And I'll address it to Mr. Westfall, if I  
23 can. Are you contemplating that after a juror is  
24 questioned for fifteen minutes we discuss whether or not  
25 that person is struck for cause?

18:00 1 MR. WESTFALL: Either side would level a  
2 challenge at that point that the Court would rule on.

3 MR. JONAS: So we need to rule in time for  
4 argument. It's my experience if you think there is a  
5 cause and we don't, that goes back and forth, and as Mr.  
6 Jacks says, we're lawyers.

7 MS. HOLLANDER: Your Honor, I realize that it's  
8 the Court's prerogative to visit this, but I just read the  
9 transcript from the status conference where we discussed  
10 this. Your Honor had said that's the way we were going to  
11 do it, and I thought that is the way we're going to do it.  
12 We were going to have the individual voir dire. That's  
13 the way I read it.

14 MR. JACKS: I read it, too, and you clearly said  
18:00 15 I haven't made up my mind about that yet. I'm not  
16 comfortable with Mr. Dratel's prediction that this is  
17 going to be no problem and we're going to gain time.

18 THE COURT: Let me say I have not reviewed the  
19 transcript, so I don't remember what I said. I do  
20 remember in preparation for this conference today that --  
21 I remember some general discussion that we had, but now  
22 that we're getting close to actually having to embark on  
23 this process, I really didn't remember the details of what  
24 we had discussed.

25 To reiterate what I said at an earlier

18:00 1 conference, I recognize that this is an unusual case and  
2 it requires some special handling. Mr. Jacks and I have  
3 worked together over the years in a number of cases, and  
4 so he talks about the usual way because we have a certain  
5 way of doing things in our district, and I think every  
6 community has its own legal culture, and Mr. Dratel, I'm  
7 sure, is used to doing certain things in New York that  
8 would be alien to me and vice versa. I think the easy  
9 decision for me would be to go along with what Mr. Jacks  
10 says and say I'm used to doing it this way, that's the way  
11 we're going to do it. I may have said or at least  
12 intimated that we would do it as proposed on the defense  
13 side today, and I am inclined to do things that way just  
14 because I want to be sure that we have as good a jury as  
18:00 15 we can come up with as a result of this process, and I  
16 want the defense to think that as well as the government.  
17 I think it's arguable the defense way is a more time  
18 intensive way, although it's hard for me going into the  
19 process which way would save more time. So let me say  
20 that I'm willing, Mr. Westfall and Mr. Dratel, to do it  
21 your way with this caveat. Don't make me sorry at the end  
22 of the day or at the end of the week that I have agreed  
23 with you. I am relying on your representations on these  
24 time limits, and I do want to have a jury in place by the  
25 latter part of the week of July 16. One reason, as I

18:00 1 mentioned to you earlier this week, that I had a  
2 conversation with Leigh Lyon earlier this week about  
3 logistical details concerning this case, and one of those  
4 is I intend to have the jurors once they are selected come  
5 to a location remote from the courthouse and be bussed  
6 here every day during the trial. Our court had to sign a  
7 contract with the GSA for the van to transport those  
8 jurors, and I gave Leigh the date of July 19th to begin  
9 that contract. So that was just an estimate on my part.  
10 But I would like to have the jury in place as a target on  
11 July 19th.

12 MR. JACKS: Your Honor, I have never understood  
13 that the defendant's plan called for individual voir dire.  
14 It was my understanding that their proposal was that the  
18:00 15 jurors be in groups of ten to fifteen to be questioned as  
16 a small group, not this fourteen wait out in the hall and  
17 they come in one at a time. That was never the proposal,  
18 as I understood it.

19 THE COURT: That's why I asked for clarification  
20 because I wasn't sure myself.

21 MS. MORENO: Your Honor, I have the filing by  
22 the defense of the protocol where we intensively discuss  
23 individual voir dire, cite the supporting law and give  
24 examples. So that was always front and center. I  
25 discussed it with your Honor at previous status

18:00 1 conferences. So I'm a bit surprised that Mr. Jacks  
2 doesn't recall that.

3 MR. JACKS: I recall them discussing it. I  
4 don't recall them discussing it in a plan.

5 MS. MORENO: Document 555 filed March 1st, 2007.

6 MR. DRATEL: And my whole discussion about  
7 contamination in all of these pretrial conferences is  
8 based on having the jury hermetically sealed from the  
9 panel because of an answer we could not anticipate.

10 MR. JACKS: Your Honor, I appreciate the Court's  
11 position and comments, but in terms of how much different  
12 this case is, I respectfully disagree in the sense that  
13 it's still a criminal case, and we're treating it  
14 differently in the sense that we're using a questionnaire.

18:00 15 We have sent out these summons in advance. Except out the  
16 hardship questions in advance, that's different. The  
17 Court has made concessions that are different from other  
18 cases, and I think what the Court has done so far is more  
19 than adequate. This talk about pervasive pretrial  
20 publicity is incredibly overblown. There haven't been any  
21 stories in the paper. Maybe it says something about me,  
22 but what I'm working on, to my circle of friends they say  
23 doesn't ring a bell. So I don't believe the concern about  
24 that is as great as it's being portrayed, and I have to  
25 say that I really think to set this case up for individual



18:00 1 voir dire is way beyond what is necessary, and I think it  
2 is just prolonging the length of this trial, and I just  
3 think it's -- And I do disagree with the defense saying  
4 this has always been the plan that they proposed. I  
5 understand we can look at transcripts and look at  
6 pleadings and see, but I don't think this case is one that  
7 justifies individual voir dire.

8 THE COURT: Well, I understand your position,  
9 Mr. Jacks, but I have made my decision, and as I said  
10 earlier, I will use the procedures proposed by the defense  
11 in this case for individual voir dire, but they have the  
12 potential to disappoint me greatly at the beginning of the  
13 case if we're not able to stay on schedule. So I mention  
14 that as a caveat.

18:00 15 MR. JACKS: All right.

16 MS. SHAPIRO: Your Honor, I wanted to raise one  
17 issue. We have a witness who's expected to be our first  
18 witness who's unavailable on the 24th of July. So I  
19 wanted to put that out there. I'm not sure exactly when  
20 the jury will be selected and how long openings will go.  
21 That's all up in the air, but that one particular day is a  
22 problem for this witness.

23 THE COURT: All I can say is you'll have to do  
24 the best you can. One of the difficulties in any criminal  
25 case -- but particularly one of this size and scope -- is

18:00 1 the logistics of getting this number of busy people in one  
2 place at one time, and as I said earlier, I'm not going to  
3 try to tell you how to try the case. But either your  
4 order of witnesses may have to give or the witness' plans  
5 may have to give because we'll do the best we can in  
6 keeping the case on schedule, but I can't schedule things  
7 in the trial around the convenience or not of a witness.  
8 It's just too much.

9 MR. JONAS: Just to expand that slightly. We  
10 certainly appreciate your Honor's comments. It's a  
11 religious holiday that day that conflicts with the  
12 witness' unavailability.

13 THE COURT: Well, maybe convenience is the wrong  
14 word, but I don't feel like I can schedule all the people  
18:00 15 in this trial around the schedule of a particular person.

16 We have some motions in limine I wanted to  
17 discuss. The defendants filed on June 13 a joint request  
18 for a James hearing, and it's entitled Motion in Limine to  
19 Exclude Alleged Co-conspirator Statements Not Meeting the  
20 Requirements of Federal Rule of Evidence 801 (d)(2)(e),  
21 and the government responded in writing on March the 16th.  
22 I am going to deny the motion for a James hearing. I  
23 agree with the government's position and with the  
24 authorities cited therein, principally United States  
25 against Fragoso that under the law of our circuit a

18:00 1 pretrial hearing is not required. It's been my experience  
2 that the more expeditious way to handle these things is  
3 simply take the matter up at trial, and of course, the law  
4 of our circuit and the Supreme Court decision in  
5 Bourjailey approved this practice. I think it would be an  
6 undue consumption of resources to have to hear this  
7 evidence twice.

8 I'm sorry. I just realized in preparing for  
9 this conference today that there are a couple of other  
10 motions in limine that I'm not familiar with. So I'll  
11 have to ask counsel to briefly summarize what they say.  
12 First is the Government's Motion in Limine filed March 14  
13 asking me to prohibit defense counsel from making  
14 arguments designed to elicit jury nullification. What is  
18:00 15 that about, Mr. Jacks, or if you want to yield to one of  
16 your cocounsel?

17 MR. JACKS: Judge, it's basically you cannot  
18 tell necessarily at the start of the trial but if that  
19 starts to become the point of the defense's position, then  
20 we are making the objection in advance to make the Court  
21 aware of our position, and I know the defense says they  
22 are aware of the law and have no intention to do that.

23 THE COURT: Well I agree with you that it would  
24 be improper to ask the jury to disregard the law, and if  
25 that comes up at the time, I will make a ruling, and I'm

18:00 1 not prepared on the defense's response either. But if  
2 they say they don't intend to do that, it would seem to me  
3 I can deny the motion at this point without prejudice to  
4 its being renewed if that issue arises during the trial.

5 MS. HOLLANDER: That's fine.

6 THE COURT: And then there is a Defense Joint  
7 Motion in Limine to Exclude Evidence from Trial and  
8 Memorandum in Support. I'm not sure -- Again, I didn't  
9 read that in preparation for today. I guess it escaped my  
10 notice. Ms. Hollander, can you or one of your cocounsel  
11 tell me what it's about?

12 MS. HOLLANDER: I don't have a copy in front of  
13 me, your Honor, but it's about a large number of items.

14 MS. DUNCAN: As Ms. Hollander mentioned, your  
18:00 15 Honor, we will be challenging several exhibits under  
16 several general categories. The first is relevance  
17 grounds or 403 grounds. We have challenged some  
18 coconspirator statements, 404(b) evidence. Do you want me  
19 to walk through each piece that we're challenging?

20 THE COURT: In a general way, hit the high  
21 spots, if you will, or maybe just describe the general  
22 tenure or character of the testimony you are concerned  
23 about.

24 MS. DUNCAN: The main categories we're concerned  
25 about involve evidence of acts of terrorism or violence

18:00 1 that are unrelated to the Holy Land. The government  
2 indicated an intent to bring in evidence of suicide  
3 bombing. There is no evidence with respect to Holy Land  
4 as to that. All acts of violence that the government  
5 intends to bring in are unrelated to the Holy Land. There  
6 is evidence that --

7 THE COURT: Let me stop you a minute. When you  
8 say unrelated to the Holy Land Foundation, I'm not sure  
9 what that means. I understood the government's general  
10 theory in this case that HAMAS is an organization that is  
11 engaged in violence on a fairly routine basis in the  
12 Middle East and that the Holy Land Foundation has been  
13 funneling money to HAMAS, and so if that theory is  
14 correct, I don't know how you could say that the Holy Land  
18:00 15 Foundation is unrelated to HAMAS.

16 MS. DUNCAN: Well, my understanding of the  
17 government's position is that the Holy Land Foundation  
18 funneled money to zakat organizations that had members of  
19 HAMAS on their board of directors. There is no allegation  
20 that the Holy Land Foundation provided resources for  
21 terrorist acts. We're objecting, for example, with  
22 respect to the Operation Defensive Shield, a search in  
23 Palestine, where a lot of evidence was seized. It was the  
24 government's position it was in response to terrorist  
25 acts, and our position is that is completely irrelevant as

18:00 1 to why the government of Israel seized certain documents,  
2 and it's very prejudicial to our clients.

3 MR. DRATEL: Your Honor, also if I may add. The  
4 defense is not giving money -- it's giving money to  
5 foreign terrorist organizations in that this is an  
6 organization that's been designated. Not one that has to  
7 do with all the extra very prejudicial and 403 implicated  
8 evidence that we're talking about here which Holy Land is  
9 not accused of financing or being related to in any  
10 operational way.

11 THE COURT: I thought one of government's  
12 theories was that money was given to widows and orphans of  
13 suicide bombers and this in effect rewarded or encouraged  
14 suicide bombing as a technique.

18:00 15 MR. DRATEL: But that doesn't require a litany  
16 of suicide bombings and all the grizzly parts related to  
17 that. What could be done in a 403 way is to really limit  
18 it so it relates to the issue at trial and not inject  
19 prejudicial parts that are inflaming and don't have  
20 anything to do with the elements of the offense or the  
21 parts of the government's theory because unless the  
22 government is going to say that a specific terrorist act  
23 was a result of a specific payment to a person, then all  
24 of that stuff is really just window dressing. Most of it  
25 is after the fact. They are saying it's a reward. So

18:00 1 what happened at the bombing is really irrelevant to the  
2 specific allegation that goes to the offense. So I think  
3 the rest of it would be precluded under 403.

4 MR. JONAS: Your Honor, may I respond?

5 THE COURT: Yes, I was going to ask for someone  
6 on the government's side to respond because I have not  
7 reviewed your response either.

8 MR. JONAS: Your Honor, 18 United States Code,  
9 Section 2339(b), which is one of a series of charges in  
10 this case -- and I won't read the whole statute.

11 Subsection A, Subsection 1, which is entitled "Unlawful  
12 Conduct: To violate this paragraph a person must have  
13 knowledge that an organization is a designated terrorist  
14 organization, that the organization is engaged in

18:00 15 terrorist activity or that the organization has engaged or  
16 engages in terrorism."

17 There are certain acts that we intend to have  
18 our expert witness discuss that were committed by HAMAS or  
19 claimed to be committed by HAMAS where the defendants were  
20 on notice of because we have intercepted communications  
21 that they are discussing the act or because they received  
22 faxes that are newsletters where other acts are discussed.  
23 One category is suicide bombings or terrorist acts of  
24 HAMAS that we intend to discuss through our expert.  
25 Another is the socialization of the HAMAS, through the

18:00 1 zakat committee and how their acts of the zakats support  
2 the military wing. For example, where members of zakat  
3 committees provided support to terrorist activity. Those  
4 are two areas where we think we're entitled to present  
5 evidence to the jury of terrorist acts. That evidence is  
6 not going to be bringing in victims or witnesses to the  
7 terrorist acts but through our expert who will testify  
8 about HAMAS's claim of these acts, and he would briefly  
9 describe the act. On such and such a date HAMAS claims to  
10 have committed this bombing and move on from there.

11 MR. DRATEL: Your Honor, it's just like a  
12 justification defense in reverse, what we're talking about  
13 here. What Mr. Jonas talks about is the second part of  
14 the second knowledge element of 2339(b) which is a  
18:00 15 defendant has to be aware that it's a designated  
16 organization, that the organization engages in violent  
17 activity. So when I say it's like a justification  
18 defense, let's say you represent a defendant in a  
19 justification case in which the defendant is aware that  
20 the -- Let's say the homicide victim who the defendant has  
21 killed and he's claiming justification. If the homicide  
22 victim had committed three murders, but the defendant  
23 didn't know, it doesn't come in evidence. It's only what  
24 the defendant knew that's relevant to the justification.  
25 And if all it is is the defendant got -- the victim got



18:00 1 into a fight last week and that he's prone to fighting,  
2 that's all that comes in. So what's in these  
3 conversations is really the limit of what the defendant's  
4 knowledge is. By saying because the defendant knows there  
5 is a suicide bombing that the defendant knows all the  
6 details and background, that's not true. That's sort of  
7 bootstrapping their knowledge element to say because the  
8 defendant may know part of it -- and I'm not saying this  
9 is a contested issue at trial as to whether the defendants  
10 knew it was a designated organization or not. I'm not  
11 sure that's going to be contested at trial. So in  
12 relation to an issue that's not even going to be  
13 contested, you have an extraordinary amount of prejudicial  
14 evidence that comes in. And also doesn't go to a  
18:00 15 defendant's knowledge because what a defendant knows from  
16 a phone conversation that says there was a suicide bombing  
17 on X day, he doesn't know about all of that and unless he  
18 does, it's not relevant to that issue. So it comes in to  
19 try to prejudice, and as a 403 matter, I think it's clear  
20 it's not necessary for the case and could really be -- not  
21 only a red herring but something that drives the jury in  
22 the way the evidence does not and creates a 403 problem.

23 MR. JONAS: I respectfully disagree. Because  
24 the context of the conversation requires some testimony to  
25 the jury so that the jury can understand the conversation.

18:00 1 It's not always clear where it's one defendant talking to  
2 another saying HAMAS just committed a suicide bombing.  
3 You have to understand when they are celebrating on the  
4 phone an attack, they don't say there has just been an  
5 attack If the jury knows on that day there was an attack,  
6 it puts that conversation in context. Moreover, we think  
7 the jury is entitled to understand the full flavor of  
8 HAMAS and why they are a designated organization and the  
9 relationships among the different wings of HAMAS. There  
10 is a case -- And I apologize, your Honor. I wasn't  
11 expecting to make this argument. I don't know the  
12 citation. I believe it's in the Eastern District of New  
13 York.

14 MR. JACKS: McKeef.

18:00 15 MR. JONAS: McKeef I know is Boston, but I know  
16 there is another case where they were able to bring in for  
17 similar reasons -- where they brought in victims of  
18 terrorist acts for the same reason we're doing, but we're  
19 not going that far.

20 MR. DRATEL: That's not an issue, why it's a  
21 designated terrorist organization. We're not allowed to  
22 challenge and they shouldn't be able to put it in. That's  
23 completely off the charts as far as this prosecution, and  
24 they specifically said they were not getting into this,  
25 and it's even worse than what they represented. I don't

18:00 1 have the papers in front of me -- The government wrote --  
2 Footnote 4 in our in limine motion, the government wrote  
3 previously -- it's a motion -- it's Document Number 468  
4 filed November 9th, 2006. It's actually to protect the  
5 identity of important witnesses. The defendants imply in  
6 Footnote 10 that they will address the Israeli-Palestine  
7 conflict at some point in the future. The government will  
8 be filing a motion in limine on this issue as the conflict  
9 is irrelevant to the defendant's support of a designated  
10 terrorist organization and would only serve to support an  
11 improper jury nullification defense. If the defendants  
12 are permitted to present evidence on the conflict to the  
13 jury, the door will be opened to the jury on the reasons  
14 why HAMAS was designated a terrorist organization which  
18:00 15 took the life of American citizens." This is a 180 from  
16 that representation.

17 MR. JACKS: Your Honor, it's not. If I were in  
18 their shoes, I would be doing the same thing to water down  
19 this case, but this is a terrorism case.

20 THE COURT: Well, I have heard enough argument.  
21 I'm ready to rule on this. I was just scanning through  
22 the government's response, as Mr. Jonas was arguing, and I  
23 see the government has quoted a case called United States  
24 against Pace, which is a 1993 Fifth Circuit decision, and  
25 I recognize the quotation, although not from Pace, because

18:00 1 I think this language actually comes from an earlier Fifth  
2 Circuit decision, and I can't remember the name of the  
3 defendant in that case, but it starts with an M-c-K.  
4 Anyway, the language is quoted at the bottom of Page 2 and  
5 top of Page 3 of the government's response and the thrust  
6 of this language is that Rule 403 in the Federal Rules of  
7 Evidence should be sparingly applied, and I'll quote the  
8 language for everybody's benefit since you don't have that  
9 in front of you, no doubt. This is Pace, 10 F 3d 1106,  
10 "Relevant evidence is prejudicial, but it is only unfair  
11 prejudice outweighing probative value which permits  
12 exclusion of relevant matter under 403. Unless trials are  
13 to be conducted on unreal scenarios, on unreal facts  
14 sanitized for the occasion, the application of Rule 403  
18:00 15 must be cautious and sparing. Its major function is  
16 limited to excluding matter of scant or cumulative  
17 probative force, dragged in by the heels for the sake of  
18 its prejudicial effect. As to such, Rule 403 is meant to  
19 relax the iron rule of relevance, to permit the trial  
20 judge to preserve the fairness of the proceeding by  
21 exclusion despite its relevance. It's not to 'even out'  
22 the evidence or make a crime or contest where there is  
23 little or none."  
24 So based on that, I am going to deny the motion  
25 in limine that has been brought by the defense without

18:00 1 prejudice, of course, to objection at trial to specific  
2 evidence as it is offered. But it's difficult for me to  
3 say as an in-limine matter without having heard any  
4 context that that particular evidence to be offered by the  
5 government would not be admissible under Rule 403.

6 I think that may be all of the in-limine  
7 motions.

8 MS. DUNCAN: Your Honor, there are actually  
9 several other categories of evidence we challenged.

10 THE COURT: I'm sorry. You had just gotten to  
11 the first one. Okay.

12 MS. DUNCAN: The second broad category we  
13 challenge is evidence having to do with other designated  
14 terrorist groups, in particular Al Qaeda, and in our  
18:00 15 review of the government's exhibit list, we included  
16 pictures of Osama bin Laden. They have documents  
17 comparing Infocom with documents alleged to be related  
18 with Al Qaeda. The only reason for bringing in such  
19 evidence is to clearly prejudice the jury against the  
20 defendants and to remind them of 9-11 and inflame them as  
21 to that horrific event. It's grossly outweighed by the  
22 unfair prejudice of the evidence.

23 THE COURT: Why don't you go through all four  
24 categories.

25 MS. DUNCAN: There is more than four. They are

18:00 1 grouped together, but we discussed smaller categories.

2 THE COURT: Hit the high spots of all of them  
3 then.

4 MS. DUNCAN: We challenged evidence of  
5 conventions, seminars and rallies sponsored by  
6 organizations other than Holy Land Foundation. We  
7 challenged that on relevance grounds and also --

8 THE COURT: Let me ask a question. It's my  
9 impression -- And in part this is from the Kastigar  
10 hearing that we began a couple of days ago -- that these  
11 fundraising events that at least some of the defendants in  
12 this case were part of were typically held at mosques. Is  
13 that the type of organization that you are referring to  
14 when you challenge evidence of fundraisers at other  
18:00 15 organizations?

16 MS. DUNCAN: No, your Honor, we're not  
17 challenging the evidence of Holy Land fundraising  
18 activities. We're challenging the admission of evidence  
19 that's unrelated to Holy Land. Other people speaking at  
20 events that have nothing to do with Holy Land as a  
21 category.

22 MR. WESTFALL: Your Honor, just for context,  
23 there was fundraising done in mosques, but there was also  
24 fundraising done at conventions like would be at a  
25 convention center for instance. If there was a guitar

18:00 1 show down here the Dallas Convention Center and I am a  
2 guitar manufacturer and I want to go sell my guitars at  
3 that guitar show, basically the theory is that I am then  
4 liable for everything else that goes on at that guitar  
5 show. That's the type of organization that we're talking  
6 about in this motion in limine.

7 MR. JACKS: You think that's an accurate  
8 metaphor or analogy.

9 MR. WESTFALL: It's one that personally is  
10 accurate to me.

11 MR. JONAS: Your Honor, if I may respond.

12 THE COURT: I'd like to hear all the categories  
13 first, and then maybe you can give a response to them.

14 MS. DUNCAN: The next category is evidence that  
18:00 15 the Government of Israel designated zakat committees with  
16 whom Holy Land worked in 2000.

17 MS. HOLLANDER: Which was after Holy Land  
18 closed.

19 MS. DUNCAN: And a related category are  
20 designations either by the US Government, by the  
21 Governments of Germany or Israel of any individuals who  
22 were not charged with giving money, any designations of  
23 Holy Land Foundation and any other organizations not named  
24 in the indictment. And that would include, for example,  
25 some of the family members of the defendants. We

18:00 1 challenged evidence relating to other organizations that  
2 the government alleges are linked to HAMAS, including  
3 Interpol. I think you heard about Al Aqsa yesterday  
4 during the Kastigar hearing. In particular, we object  
5 generally to the introduction of any evidence having to do  
6 with those organizations, and to the extent the Court  
7 overrules that objection, we would ask for an offer of  
8 proof from the government of any relationship between the  
9 Holy Land Foundation and those organizations before such  
10 evidence was allowed into trial. Evidence of web sites  
11 that include hyperlinks to the Holy Land Foundation's web  
12 site without some evidence that the Holy Land Foundation  
13 expressly agreed to have that link included on the web  
14 site. Any evidence of events occurring after September  
18:00 15 4th, 2001 which is the date the Holy Land Foundation was  
16 closed and all of its assets were seized. We had  
17 challenged evidence or mentioned the two trials and  
18 convictions of Defendant Elashi. The government has  
19 indicated in its response that it does not intend to  
20 introduce any evidence of the convictions itself, although  
21 they have reserved the right to introduce evidence that  
22 was introduced during those trials.

23 We have renewed our objection to any evidence  
24 that the defendants are related to leaders of HAMAS on the  
25 grounds that such evidence is completely irrelevant to



18:00 1 this prosecution. I'm sorry. I have to go through this.  
2 It's been a while since I have read this, your Honor.

3 And then generally, we have raised objections  
4 regarding authentication of documents that were seized by  
5 the government of Israel from various zakat committees  
6 that are key chains or posters. We don't know and I don't  
7 know if the government knows where they were found.

8 MR. JACKS: We know they were found at a  
9 particular zakat committee, but I don't know whose office  
10 and in what context that evidence was found.

11 MS. DUNCAN: We have challenged the admission of  
12 a document entitled Foundation's Policies and Guidelines  
13 which was seized by the government during a raid of the  
14 Infocom Company on the grounds -- first of all that it's  
18:00 15 irrelevant, and secondly, that we don't know where it came  
16 from. It doesn't have any reference to the Holy Land  
17 Foundation, and related to that we're challenging the  
18 comparison of that document with the Al Qaeda document by  
19 the government's witness.

20 MS. HOLLANDER: Let me add one thing to that.  
21 The Al Qaeda is an alleged Al Qaeda document that was  
22 seized in Manchester, England in some case and is alleged  
23 to be an Al Qaeda document.

24 MS. DUNCAN: We also raised a general  
25 confrontation challenge because at the time we wrote this

18:00 1 we didn't have access to the government's witness list or  
2 exhibit list to bring the issue to the Court's attention.  
3 With respect to the alleged coconspirator statements, we  
4 challenge the admission of any statements made by an  
5 alleged coconspirator before the time of the designation  
6 of HAMAS in 1995 on the grounds that there could be no  
7 conspiracy to violate the law before that date.

8 We challenge the evidence relating to criminal  
9 proceedings against various Palestinians by the Government  
10 of Israel, and we do intend to challenge based on our  
11 review of the government's evidence. We now know what  
12 type of documents they intend to introduce to prove those  
13 criminal histories, and we plan to file that within the  
14 week. We also are challenging the government's reliance  
18:00 15 on newspapers articles. Our initial review of the  
16 government's exhibit list shows they intend to introduce  
17 articles that were found in the Holy Land files. I think  
18 it was mostly articles found in the Holy Land files, and  
19 they are rank hearsay and have no probative value in this  
20 case. I think those are the main categories, your Honor.

21 MR. DRATEL: I want to say one thing about the  
22 web site. And that is there are -- I don't know what the  
23 number is by now. Could be millions -- web sites that  
24 link to the United States Department of Justice. Does  
25 that mean the United States Department of Justice is in

18:00 1 sync with every web site? Most of them are groups in  
2 opposition to the United States Department of Justice.  
3 But they put links. You can get the documents and filings  
4 and all sorts of reports that are done. It would be to  
5 say as if the government was there for -- that it could  
6 come in to show the government's state of mind that  
7 believes what the ACLU -- It would be as if saying the  
8 government -- that you could prove the government's intent  
9 because on its web site for an organization like the ACLU  
10 is a link to the government, and therefore, they have to  
11 have the same intent and knowledge and state of mind as  
12 the ACLU or any other organization that has the web site.  
13 That's really what we're talking about here. No one can  
14 prevent people from putting Holy Land. Nobody can prevent  
18:00 15 a link to the Department of Justice.

16 THE COURT: I think that's a good jury argument  
17 if this evidence comes in, but I don't think it's an  
18 argument that this evidence is so prejudicial that the  
19 jury shouldn't hear it.

20 MR. DRATEL: It's a relevance argument. What's  
21 the connection as to why it should come in at all. The  
22 internet is such a democratic institution, such an  
23 unmonitored institution that to attribute on the basis of  
24 things like links almost takes relevance out of the case  
25 in that regard.

18:00 1 THE COURT: Mr. Jonas.

2 MR. JONAS: Thank you, your Honor, and I think  
3 we may wind up bouncing back and forth, depending on the  
4 issue of relevance to us. I am going to let Ms. Shapiro  
5 handle the first issue.

6 MS. SHAPIRO: I think the objection was that  
7 there was some Al Qaeda related posters is my  
8 recollection, that there were posters of Osama bin Laden  
9 in the evidence. There were some posters that were seized  
10 from the zakat committees that Holy Land supported that  
11 included Osama bin Laden among other terrorist leaders. I  
12 think there is one of Nasrallah also that was in there  
13 and --

14 MR. GARRETT: The leader of HAMAS.

18:00 15 MS. SHAPIRO: Yeah, I'm sorry. Leader of HAMAS.  
16 And these posters show the kinds of things that were in  
17 the committees that were supported by the Holy Land  
18 Foundation. They show that rather than benign charities  
19 that the defense will try to make them out to be that they  
20 have a political nature and that they have these kinds of  
21 posters and images in their possession. Most of the  
22 posters are specifically HAMAS-related, and there were a  
23 couple that had Osama bin Laden and also some Chechnian  
24 leaders and Hezbollah leaders.

25 MS. HOLLANDER: Your Honor, this raises a huge

18:00 1 issue. These documents that come from the Government of  
2 Israel were seized by the Government of Israel during what  
3 they call Operation Defensive Shield. It was a military  
4 operation. They seized vast quantities. The Government  
5 of Israel's operatives seized vast quantities of  
6 documents, and then they filtered through them, and then  
7 they provided certain ones to the government. But you  
8 know, if you go in my office, you will find books about  
9 HAMAS. If you go in the government's office, you will  
10 find books about HAMAS. We don't know whether there was a  
11 file on HAMAS and a file on Fatah, and these are the  
12 groups we shouldn't have anything to do with or should  
13 have anything to do with. We don't have any idea or  
14 concept of the provenance of those, who put them there,  
18:00 15 how they got there, what file they were in and who saw  
16 them. And for these kinds of things to come in -- and  
17 there are over a hundred exhibits that the government has  
18 filtered from this group that include posters, key chains,  
19 newspapers articles, various things that these zakat  
20 committees had. And it's important to understand the  
21 context.

22 THE COURT: Well, I agree that context is  
23 everything, and I'm not in a position to say that  
24 categorically before I have heard the evidence that none  
25 of this evidence will be relevant. I can't do that in

18:00 1 limine.

2 MS. HOLLANDER: I fear this trial is going to be  
3 one continuous Bench conference.

4 THE COURT: I assure you, Ms. Hollander, that it  
5 will not be. That's going to take too much time with all  
6 the lawyers we have to bring up to the Bench.

7 MS. HOLLANDER: I understand. And our efforts  
8 to lay this out in great detail in this motion and to  
9 explain why all of these items should be dealt with ahead  
10 of time was to try to avoid that.

11 MR. DRATEL: Your Honor, this particular part --  
12 First of all, getting beyond the authenticity of the  
13 document which is zero, you will not have anyone that says  
14 they took it from a certain place.

18:00 15 MS. SHAPIRO: That's not true.

16 MR. DRATEL: But the problem I want to speak to  
17 is the extraordinary 1st Amendment implications of this  
18 type of evidence. To try to get a conviction under a  
19 statute that expressly says -- has a provision added by  
20 Congress -- that says the statute shall not be interpreted  
21 or construed in a manner to abridge 1st Amendment  
22 freedoms. So they are saying now what you have read is  
23 fair game -- what somebody else read.

24 THE COURT: I thought these things were seized  
25 in Palestine. The 1st Amendment doesn't apply outside the

18:00 1 United States, does it?

2 MR. DRATEL: The statute is not designed to  
3 punish people for supporting or sympathizing with a group,  
4 and I say support in terms of moral support, ideological  
5 support. There is no crime in that. So first of all, the  
6 403 nature of it is off the charts. Particularly because  
7 there is no relevance, and Al Qaeda is not what Holy Land  
8 is accused of supporting. So it's almost amending the  
9 indictment at this point when you say you give to a zakat  
10 committee and they support Al Qaeda and therefore you  
11 should convict them. It's quite plain.

12 THE COURT: I thought they were saying a zakat  
13 committee is not just a charity but has a political aspect  
14 and that political aspect includes supporting goals of Al  
18:00 15 Qaeda?

16 MR. DRATEL: That's not the crime. They  
17 shouldn't have been allowed to put that in.

18 THE COURT: Well, except it shows it's not just  
19 a charity if it has a political aspect.

20 MR. DRATEL: Because I have something in my  
21 library that's written by an Islamic fundamentalist? Does  
22 that -- What does that mean?

23 THE COURT: I think that goes back to Pace. If  
24 you limit a zakat committee to just a charity and nothing  
25 else.

18:00 1 MR. DRATEL: We put our law in there, too, which  
2 is from the Supreme Court, the Herndon v Lowry case which  
3 is you cannot punish people and you cannot use -- It's  
4 really a thought crime at that stage which is to say  
5 because you have something in your library and you are  
6 interested in a particular thing we're going to attribute  
7 that intent to you and therefore convict you of a crime  
8 that is not even the same crime because there is no crime  
9 of simply having a poster or being a sympathizer. We  
10 could all get on the street right now and speak for hours  
11 about how wonderful any particular organization in the  
12 world is that is a designated terrorist organization. I'm  
13 not saying it won't be prosecuted, but the point is the  
14 statute doesn't permit it.

18:00 15 MR. GARRETT: But it's your state of mind. What  
16 one says is certainly protected by the 1st Amendment, but  
17 it's certainly doesn't say it's not evidence. To go back  
18 to these committees, I think that's not a good argument.  
19 It's exactly what the issue is, the nature of the  
20 committees and in every sense. The statute says one shall  
21 not be prosecuted solely on the basis of the --

22 MR. DRATEL: That's not what it says.

23 MR. GARRETT: I go back and harness on to what  
24 your Honor said. If they want to make argument as to  
25 weight, that should be placed on that they should be



18:00 1 entitled to do so.

2 MR. JONAS: This is not a prosecution as to what  
3 they said. As your Honor pointed out, this is a part of  
4 the government's evidence to show the zakat committees are  
5 controlled by HAMAS. It's one part and certainly evidence  
6 of the zakat committees' relationship with HAMAS by the  
7 fact that all of these key chains, posters and other  
8 evidence show they are HAMAS.

9 MR. DRATEL: But not Al Qaeda. That's clear.  
10 It's got nothing to do with Al Qaeda. I understand what  
11 the Court is saying, but I also think that our purpose in  
12 putting this in the context of this motion -- It's going  
13 to have to be an item-by-item determination.

14 THE COURT: Well, I think that's right, and what  
18:00 15 I'm telling you now is that I don't think I can  
16 categorically say that type of evidence would not be  
17 admissible at trial without any context to make that  
18 determination.

19 MR. DRATEL: I understand what the Court is  
20 saying. I want the Court to understand that we're now  
21 going to have at trial and item-by-item determination  
22 where we will be raising these in context.

23 MS. HOLLANDER: That was the point I was  
24 raising, but to be clear about the 1st Amendment, it says  
25 "Nothing in this section shall be construed to abridge the

18:00 1 rights guaranteed under the 1st Amendment." And the other  
2 big problem with the evidence which the government has  
3 never acknowledged is that we don't know -- we can't  
4 even -- Even if you said the zakat committees weren't  
5 charities -- and I have never heard that before. They are  
6 charities. I don't think there is any question about  
7 that. So the issue is whether or not these charities  
8 support in the sense of moral support a particular  
9 organization, but you don't even know that because these  
10 items were all taken completely out of context since we  
11 don't have the full range of items and we don't know where  
12 they were found. Or maybe they were found in a file that  
13 said don't support any of this. We don't have any way of  
14 knowing that, nor does the government.

18:00 15 MS. SHAPIRO: If I could respond briefly. I  
16 want to remind Ms. Hollander and everyone the words of  
17 "humanitarian project," there is no 1st Amendment right to  
18 support a terrorist organization and the items found in  
19 the zakats go to show these zakats were part of the HAMAS  
20 social network, and it's evidence that they were part of  
21 the HAMAS social network, and so the fact that Holy Land  
22 wants to use these charities does not implicate a First  
23 Amendment issue if, in fact, as we allege, they are  
24 connected to HAMAS's social structure.

25 MR. DRATEL: Humanitarian law doesn't say that.

18:00 1 It says you have no right to provide resources as  
2 enumerated. Bowen says that in the 7th Circuit. In the  
3 designation of Holy Land, the district court said that  
4 humanitarian law -- said it more than once in the Ninth  
5 Circuit and the district courts have said that advocacy,  
6 support, sympathy, everything short of providing material  
7 support and resources, and that's you can't give money to  
8 the terrorist activity organization. But support is a  
9 much broader term.

10 MR. GARRETT: That doesn't render irrelevant all  
11 the things you were just discussing. Certainly we have to  
12 add to that. We're going to show the nature of the  
13 organizations and the nature of the Holy Land, its beliefs  
14 and state of mind. Certainly by itself is not good  
18:00 15 enough. Not good enough. I absolutely agree. But the  
16 government intends to show that there was financial  
17 support provided that goes in concert with that state of  
18 mind and those beliefs. You cannot look at the money in a  
19 vacuum but in the total context of the total organizations  
20 and the defendants.

21 THE COURT: I think I have heard enough argument  
22 now. I think I know what the motion is about, having  
23 heard it explained by the defense. I am going to deny the  
24 motion at this point without prejudice to the defense  
25 making objections as these items of evidence are offered

18:00 1 by the government during its case.

2 Does that complete the motions in limine?

3 MR. JONAS: That just addresses the first  
4 category they raised.

5 THE COURT: I thought she had gone through all  
6 the others.

7 MR. JONAS: But the argument we had --

8 MR. GARRETT: Mr. Jonas needs to leave the room.

9 MR. JONAS: I thought you were addressing the  
10 one issue. I didn't realize you were addressing the whole  
11 motion in its entirety. I apologize.

12 THE COURT: I was just asking the question, Mr.  
13 Jonas, if there are other motions in limine that I need to  
14 deal with or are there others.

18:00 15 MR. JACKS: Our motion was a consolidated motion  
16 in limine, and there were other points in there.

17 MS. SHAPIRO: One of them is we objected in  
18 limine to one of the defense's proposed -- Well, I guess  
19 on two levels we objected to the defense experts as  
20 cumulative of each other and also to Leah Tesemel.  
21 According to the defense, she intends to talk about  
22 torture generally by the Government of Israel, and we  
23 objected to that in limine and to the relevance of that.

24 THE COURT: I think I will be denying that  
25 motion in limine as well, again because I don't have any

18:00 1 real context in order to make a determination. If that's  
2 a defense witness, I don't think that I will need to  
3 decide that before trial. I will have heard the  
4 government's case by the time this witness is ready to  
5 testify. If the government is so inclined, they can renew  
6 that motion I suppose when we're ready to hear this  
7 witness, and I should be in a much better position to make  
8 a decision then than I am now.

9 MS. HOLLANDER: Your Honor, we do have other  
10 outstanding motions. We have a motion in limine, and if  
11 these have been ruled on and we missed them -- I suppose  
12 it's possible.

13 THE COURT: No. I appreciate you telling me the  
14 ones outstanding.

18:00 15 MS. HOLLANDER: We made a list. To stick with  
16 the motion in limine, Docket Number 584 regarding issues  
17 arising under the Religious Freedom Restoration Act and  
18 the First Amendment, it was filed March 14, 2007. Did you  
19 want all of them or one at a time?

20 THE COURT: Why don't you go through all of  
21 them, and we can come back and talk about particular ones.

22 MS. HOLLANDER: There was also on the motions in  
23 limine -- There is a motion to include the government's  
24 experts or in the alternative for a Daubert hearing, and  
25 that's filed 3-14-2007, Docket Number 582.

18:00 1           And then to go back much earlier, there is  
2           Docket Number 399 filed October 6th, and that was the  
3           Defendant's Joint Sealed Motion and Memorandum to Suppress  
4           Evidence Obtained in FISA Surveillance. But it was filed  
5           under seal. It's a classified motion. So I can't  
6           describe it right now.

7           MR. STEWART: Can I make a suggestion? Would  
8           you mind going through this list of motions that I show  
9           pending and let me know if there are not my on that list?

10          MS. HOLLANDER: All right. I think it's just  
11          from my list the 399 and 582 -- 399, 582 and 584. What  
12          about -- We responded to the government's notice, 807 and  
13          the CIPA motions. Does that help?

14          THE COURT: Do we need to take those up now or  
18:00 15          are you working on them?

16          MR. STEWART: I'm working on everything at  
17          various stages.

18          THE COURT: I'm informed and I'll pass along to  
19          counsel for the record Mr. Stewart says that now that we  
20          have gone through his list that he's working on all of  
21          them, and they are at various stages of development, but  
22          we should have rulings for you before trial, and I  
23          apologize we're not further along, but as my justification  
24          I'll go back to what I said in the beginning, that the  
25          filings in this case are voluminous as everyone knows.

18:00 1 MS. HOLLANDER: And unfortunately, we have one  
2 that we're filing today, but it's a brief motion I  
3 discussed the other day. It's issues that your Honor has  
4 decided. I think there is new issues, but we will be  
5 filing that later today. It's finished. We just didn't  
6 get a chance to get it on the electronic filing. It's  
7 short.

8 MS. SHAPIRO: To follow-up on Ms. Hollander's  
9 motion, unfortunately there are a couple of things coming  
10 from us. One I think we raised the last time we were  
11 together was a motion to reconsider the Court's ruling on  
12 the witness from the Israeli Defense Forces who came to  
13 authenticate.

14 THE COURT: I had understood that you were going  
18:00 15 to file some additional material asking me to reconsider,  
16 and as far as I know, we have not yet received it. So I  
17 thought maybe you had changed your mind.

18 MS. SHAPIRO: No, the motion has actually been  
19 prepared since the time we were here, but we asked the  
20 defense minister to provide us with a document, and there  
21 was an election in Israel, and the defense minister  
22 changed, and now there is a new defense minister, and he  
23 has it on his desk, and I was literally this morning on  
24 the phone hoping we could get it scanned and sent over,  
25 and I'm hoping it would be okay to file the scanned copy

18:00 1 and substitute with the original signature to speed things  
2 up. We're anxious to get it to your Honor. It's a little  
3 out of our control. But hopefully my in the next few days  
4 that would come in. The other motion will also be very  
5 short, and that would be a motion in limine with respect  
6 to Steve McGonigle, who's the Dallas Morning News reporter  
7 at the hearing we had before Judge Stickney. On the  
8 motion to quash that trial subpoena which was denied,  
9 there was an issue with respect to a confidential source  
10 that Mr. McGonigle wants to protect. It's not the  
11 government's intention to elicit that confidential source.  
12 The government's perspective is it's not relevant to any  
13 of his testimony. But in the opposing papers, the defense  
14 indicated that they may want to compel that source. So we  
18:00 15 wanted to at least make your Honor aware up front that  
16 confidential source may be an issue that would come up,  
17 and we wanted to at least put a motion in limine on  
18 record.

19 MR. JONAS: There is also another motion, your  
20 Honor. Motion under CIPA pertaining to potential 3500  
21 material of certain witnesses, that material being  
22 irrelevant and also classified. So we will be providing  
23 an unclassified motion with classified attachments for the  
24 Court's review. We think under 3500(c) the material is  
25 not relevant and should not be turned over to the defense,



18:00 1 but we're asking the Court to review it.

2 THE COURT: It's currently pending or on the  
3 way?

4 MR. JONAS: It's on the way. It should be filed  
5 very shortly.

6 MS. HOLLANDER: That actually raises another  
7 issue. Maybe it's a little out of order. Maybe not. And  
8 that was a request of the government of which we can  
9 anticipate receiving Jencks material, Giglio material, and  
10 we would hope to know who their initial witnesses are so  
11 since this is such a long trial we would know where to  
12 start. Those were three requests that we had.

13 MR. JACKS: I think the local rule -- or maybe  
14 it's your rule also. But the standard is like the night  
18:00 15 before the witness testifies, but we're aware if the  
16 witness has a fair volume of material we will try to turn  
17 that over sufficiently -- maybe a week in advance or  
18 something like that to give you adequate time to look at  
19 it.

20 MS. HOLLANDER: For Jencks?

21 MR. JACKS: Yes.

22 MS. HOLLANDER: And Giglio?

23 MR. JACKS: Same.

24 MS. HOLLANDER: If it's all right, I'll ask Mr.  
25 Jacks directly. Are you willing to tell us who your first

18:00 1 witnesses are so we know where to start? When you know.

2 MR. JACKS: Well, stipulations factor into that.  
3 Because if we don't get stipulations, there is going to be  
4 some records custodians. We anticipate Mr. Levitt being  
5 the first witness.

6 MS. HOLLANDER: The first substantive witness?

7 MR. JACKS: Right.

8 MS. HOLLANDER: There is one other issue, your  
9 Honor. There is outstanding discovery requests that we  
10 have. And I think we made a list of them, and maybe after  
11 this we can talk to Mr. Jacks. Some letters recently that  
12 haven't been responded to. And we're all trying to get  
13 those sorted out, and there is one other issue, and I  
14 don't know that we disagree or not, but I think we do, and  
18:00 15 that has to do with the Rule 615. We have a number of  
16 expert witnesses in this case. We would like to obviously  
17 be able -- We aren't asking that they all be in the  
18 courtroom for three months or even necessarily during all  
19 of the government's experts, but we would want them in the  
20 courtroom perhaps for some of the government's experts,  
21 but if they are not in the courtroom, we want to be able  
22 to share testimony with our experts. So we would like and  
23 we propose to the government that we assume that one side  
24 or the other is going to invoke the Rule and that we  
25 exclude all experts, theirs and ours and all translators

18:00 1 because translators may -- I'm not talking about  
2 interpreters. Our clients all speak English, but  
3 translators may have to be told about specific issues as  
4 they come up. So our proposal was to exclude all  
5 translators, ours and theirs, and all experts from the  
6 Rule. And we have kind of gone back and forth, but we  
7 haven't had a definitive answer on whether we agree on  
8 this.

9 MR. JACKS: I think my last communication with  
10 Marlo, who was the one that raised it with me, is you know  
11 I probably would want to address it on a  
12 witness-by-witness basis. But I think we really haven't  
13 had a chance to talk about it. But she clarified to me  
14 she wasn't necessarily talking about them being in the  
18:00 15 courtroom. She just wanted to be free to tell them what a  
16 witness said. My initial reaction is that I don't know  
17 that I will have a problem with that.

18 MS. HOLLANDER: We just need to know whether we  
19 need to raise it with the Court.

20 MR. JACKS: Your Honor translators are potential  
21 witnesses.

22 MS. HOLLANDER: Only if there is an issue that  
23 we can't agree on a translation. So we have to be able to  
24 tell them what the translations are.

25 MR. JACKS: I understand.

18:00 1 MS. HOLLANDER: We may want to have an expert  
2 come for a particular witness, but generally we're not  
3 going to have our experts come and sit through. It's not  
4 just expert to expert. I mean their experts are talking  
5 about exhibits, and our experts are going to be talking  
6 about exhibits. They just need to not be prohibited by  
7 the Rule from sharing testimony with them.

8 THE COURT: I have not gone back and looked at  
9 Rule 615 in the recent past. So my memory is a little  
10 vague. But my understanding of the Rule is it's really  
11 designed to cover fact witnesses, not experts.

12 MS. HOLLANDER: It is, your Honor.

13 THE COURT: And I would put translators in that  
14 same category I think. Of course, at the margins you get  
18:00 15 into a question of whether a particular witness is only an  
16 expert witness or a combination expert and fact witness.  
17 But to the extent they are entirely expert witnesses, I  
18 personally don't think the Rule applies to them, and I  
19 don't know if the circuit agrees with my interpretation or  
20 not. So I don't think there should be a problem in having  
21 anyone who's only an expert being in the courtroom at any  
22 time or all the time, unless counsel have a different  
23 view. That's my view of the matter.

24 MS. HOLLANDER: We did prepare a memo on this  
25 which I don't have with me, but it's my understanding that

18:00 1 it's really within your discretion basically.

2 THE COURT: Well --

3 MS. HOLLANDER: It doesn't usually come up  
4 because frankly both sides usually agree.

5 THE COURT: Well, I encourage you to continue to  
6 have discussions with the government about it and see if  
7 you can reach an agreement, and if you can't, I will make  
8 a ruling if you bring it to my attention, but let's have  
9 those discussions first and see if we can reach an  
10 agreement. It seems to me for the most part it should be  
11 a nonissue.

12 MS. HOLLANDER: That's what I thought.

13 MR. JACKS: Your Honor, in that vein, the  
14 government was going to ask permission to have two agents  
18:00 15 sit at counsel table, given the volume of evidence and --  
16 And both of those agents will be witnesses, Ms. Burns and  
17 Mr. Miranda. There may be a third agent that we would ask  
18 to be excused from the Rule. But if he would testify and  
19 what he would testify about is still up in the air.

20 MS. HOLLANDER: Your Honor, Rule 615 cases deal  
21 with that issue also, and it is within your discretion to  
22 permit that. What we would request because I suspect --

23 THE COURT: It's really a question of whether  
24 they are entitled to the one additional. As a matter of  
25 right they can have one, and my discretion extends to any

18:00 1 beyond that.

2 MS. HOLLANDER: You do have discretion, your  
3 Honor, to order them to either have those witnesses  
4 testify first so that they don't hear the testimony of our  
5 witnesses or not be the room when each other is  
6 testifying, if there is more than one, and we would  
7 request that at a very minimum -- In other words, if Ms.  
8 Burns and Agent Miranda -- that they not be permitted to  
9 know each other's testimony. At the very least if they  
10 are not going to be the first and second witness.

11 THE COURT: Well, I haven't had that specific  
12 request come up before. So I guess before I made a  
13 decision I would like to see the case you are relying on.

14 MS. HOLLANDER: I have them and will provide  
18:00 15 them both.

16 THE COURT: I think one thing that's in the  
17 order that came up the other day in a way in the Kastigar  
18 hearing, I called on Ms. Cadeddu to cross examine first  
19 because her client was higher up in the list of defendants  
20 in the indictment than Mr. Westfall's, and my order  
21 regarding conduct of trial says cross examination and  
22 presentation of any defense cases will go in the order  
23 that the defendants are listed in the indictment unless by  
24 agreement we come to some other order. I'm generally  
25 receptive to letting defendants switch the order around as

18:00 1 long as that's not abused in some way, and I would hope  
2 that with most of the government witnesses that some  
3 lawyer on the defense side could sort of take the lead in  
4 cross examining that witness and everybody else's  
5 questions be nonexistent or minimum after the lead lawyer  
6 does the cross examination. I would certainly be happy to  
7 do it that way, and that way we would be varying the order  
8 on the defense side somewhat, but I don't know what your  
9 respective attitudes are.

10 MR. DRATEL: That is our intention, your Honor.  
11 I mean it's our intention for a variety of reasons, our  
12 own trial strategy.

13 THE COURT: All I can say again is don't make me  
14 sorry that I am agreeing to that. Early on in my time  
18:00 15 here back in the mid-eighties we had a large prosecution  
16 which still holds the record in length of cases I presided  
17 over. United States against Helms. Big mail fraud  
18 prosecution. And the defense lawyers did make me regret  
19 that about three or four weeks into the trial, and in  
20 fact, I changed the procedure midway through the trial  
21 because they were abusing it. But you work with me, and  
22 I'll be working with you.

23 MS. HOLLANDER: Judge, one thing that the  
24 defense wanted to bring up was the possibility that at  
25 some point after the jury is selected -- and I don't know

18:00 1 if it would be after opening statements or where would be  
2 a good time to do this -- would be to have a session with  
3 the Court where the jury is not here and not waiting in  
4 the juryroom, and then the parties can attempt to go  
5 through the evidence that -- its admissibility can be  
6 ruled on. For example, if a witness is not necessary and  
7 if that took half a day or just like we had these  
8 discussions here with the Court -- I guess the question is  
9 if there are stipulations that we have worked out, but I  
10 was just thinking if we could -- while not wasting the  
11 jury's time have a session where we determine okay what  
12 government evidence is going to be admitted and what can  
13 be admitted and then get that out of the way so that we're  
14 not stopping in the middle of trial. I don't know -- As I  
18:00 15 said, some of it may not have a nature that you could do  
16 that. You are going to need a witness or need to hear  
17 testimony. But if there is evidence that's really a  
18 question of law and the Court ruling on it, if the Court  
19 would at least keep in mind the possibility of doing  
20 something like that to make better use of our time where  
21 we're not arguing over exhibits and not wasting the jury's  
22 time.

23 THE COURT: Well, I don't know that I can make  
24 that decision now based on what I know about the case. I  
25 think as we get into the trial and we see how things are



18:00 1 going, I would be open to something like that if it looks  
2 like it would be a productive use of time.

3 MR. JACKS: And I realize it's up to us to  
4 crystallize those things so they are tee'd up for the  
5 Court to say yea or nay so that we can do that.

6 THE COURT: I'm a little reluctant -- And again  
7 without beating a dead horse, it may be difficult in a lot  
8 of instances for me to make a judgment on some of these  
9 witnesses without having a substantial context.

10 MR. WESTFALL: Your Honor, I think we will stay  
11 in a constant dialogue about what things we can agree to  
12 and what we can't. So if we get a pile of things that  
13 need the Court's attention, that may be a good  
14 alternative.

18:00 15 MR. DRATEL: But otherwise, the context is  
16 essential.

17 MS. HOLLANDER: Can we also ask the government  
18 if you can bring all the boxes at the FBI office and have  
19 them here because we're going to need some of them. We  
20 need the originals of some. At least nondemonstratives  
21 for the jury.

22 MR. JACKS: Well, if you could tell me which  
23 ones. I don't want to bring three hundred something boxes  
24 down here, and you are going to need one piece of paper  
25 out of one box. I'm certainly willing to -- if you could

18:00 1 give me a list of which original documents you think --

2 MS. HOLLANDER: I can tell you which boxes.

3 Maybe we can do it that way.

4 MR. JACKS: Well, yeah.

5 MS. HOLLANDER: We can try to do it by boxes.

6 But we need a substantial number of originals here.

7 THE COURT: I promised you at the beginning -- I  
8 think I have gone through my agenda -- that I would give  
9 each side an opportunity to raise any issues you have. I  
10 see by the clock on the wall it's 11:40. I will want to  
11 recess if we're not done by noon for lunch and take about  
12 an hour and a half for lunch, and then when we come back  
13 if we're not done with the pretrial conference, we need to  
14 finish it and go on to the CIPA matters we discussed the  
18:00 15 other day. I have a pretrial conference in another  
16 case -- another criminal case at four o'clock. So we will  
17 need to get everything done, if possible, by then. But  
18 with that information, let me call on counsel for the  
19 government for any additional issues.

20 MR. JACKS: My closing remarks. I'm tapped out,  
21 your Honor. If I knew anything, I have forgotten it.

22 MS. HOLLANDER: I'm finished. We went through  
23 my list.

24 MR. WESTFALL: Just one thing, your Honor. As  
25 to the panels, in order to really hit the ground running

18:00 1 on Monday morning --

2 THE COURT: You talking about panels of jurors?

3 MR. WESTFALL: Yes. I think it would be real  
4 helpful if we could have a list of who the jurors are  
5 going to be that come in the first day. We spoke with  
6 Leigh, and she said that you would have to give your  
7 permission.

8 THE COURT: I don't see any problem. I think it  
9 would expedite and make the process more efficient for all  
10 counsel involved if you need ahead of time, and you will  
11 have presumably the answers to these questionnaires well  
12 in advance. So you probably will focus on some more than  
13 others. I think that's a good idea myself.

14 MR. WESTFALL: That's all I had.

18:00 15 THE COURT: We had a discussion at an earlier  
16 conference that once the jury is selected we should  
17 somehow mix in the jury box the regular jurors and  
18 alternate jurors which I think is an excellent idea, even  
19 though I have never done that before. And I wanted to  
20 discuss with counsel again to be sure that everybody is in  
21 agreement about that and to find out how to do it. I  
22 guess my initial sense of the best way would be once we  
23 know who the jurors are and the alternate jurors are to  
24 put the names in a hat and draw them out in a random order  
25 so that they are not arranged in any particular way in the

18:00 1 jury box. And I would probably make some announcement to  
2 them when they are sworn in that among you are regular  
3 jurors and alternate jurors, and you don't know who you  
4 are, and the parties and their counsel know, and you don't  
5 know, and the reason I'm telling you this is that nobody  
6 knows who will be serving as jurors at the time you begin  
7 your deliberations. So it's important that everybody pay  
8 attention throughout the trial or some language to that  
9 effect.

10 MS. MORENO: Yes, your Honor, we would request  
11 that sort of instruction from the Court.

12 THE COURT: Is the process okay on how we  
13 arrange them in the jury box?

14 MS. MORENO: I have done that before, and it  
18:00 15 works well, and everybody pays attention.

16 MS. HUDSON: Judge, how many jurors you want to  
17 be brought in on the 16th?

18 THE COURT: That's another question I guess we  
19 should talk about. At a rate of four an hour  
20 approximately, I have just estimated that maybe we could  
21 do twenty-four that day, and Mr. Westfall commented -- and  
22 I think correctly -- that we should aim a little higher in  
23 case we don't need to spend time with certain members. So  
24 what do you think? Thirty or forty?

25 MR. JACKS: I thought we were going to do the

18:00 1 whole panel after --

2 THE COURT: No, we agreed to do that after we  
3 did the individual panels and we have enough so that we  
4 don't have to bring in 40.

5 MR. JACKS: Well, if they are not oriented and  
6 educated about the case, to be sitting there and  
7 questioning them individually I think is kind of putting  
8 the cart before the horse a little bit. They haven't, you  
9 know as I said, been oriented and notified about what the  
10 case is about, the burden of proof and those kinds of  
11 things and to start -- just to jump in cold with  
12 individual voir dire I think could be problematic and  
13 really deprives them of, you know, maybe some basic  
14 fundamental information that would help them to form their  
18:00 15 decision or their answers.

16 I wasn't aware that we were going to immediately  
17 start in with individual voir dire regarding whatever  
18 issues the parties started to bring up. I think it's  
19 important and better to have the standard voir dire, first  
20 of all, of as many as we can get in, as I said, and orient  
21 and inform them about the process and who's who and what  
22 the charges are.

23 THE COURT: Okay. I understand your position,  
24 but I have already said that I am going to do it in the  
25 way that's been proposed by the defense.

18:00 1 MR. DRATEL: Your Honor, I have just one thing.  
2 I don't have to do it right now, but I want to alert the  
3 Court or get some permission. There is some  
4 health-related issues with respect to Mr. El Mezain. Some  
5 of them are logistical about the courthouse and the  
6 courtroom, and if I may speak to Ms. Hudson if the Court  
7 will permit me to do that, and we'll try to work it out.

8 THE COURT: Anything else on the defense side?

9 MR. WESTFALL: No, your Honor.

10 THE COURT: Okay. We'll be in recess until  
11 1:30, and we'll come back to resume with the CIPA matters  
12 at that time.

13

14

15

16

17

18

19

20

21

22

23

24

25

## C E R T I F I C A T I O N

I, Cassidi L. Casey, certify that during the proceedings of the foregoing-styled and -numbered cause, I was the official reporter and took in stenotypy such proceedings and have transcribed the same as shown by the above and foregoing pages 1 through 79 and that said transcript is true and correct.

I further certify that the transcript fees and format comply with those prescribed by the court and the Judicial Conference of the United States.

Cassidi Casey/s

CASSIDI L. CASEY  
UNITED STATES DISTRICT REPORTER  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION  
CSR NUMBER 1703

< 0 >

**04-CR-240-G** 1:5

**05/842-9960505/842-9960**

1:47

< 1 >

**1** 39:11, 79:7

**10** 43:6, 44:9

**10005** 2:7

**10985** 2:25

**1100** 1:33, 3:14

**1106** 44:9

**11:40.** 74:10

**12/732-0707212/732-0707**

2:8

**13-247-4500813-247-4500**

2:27

**14** 2:6

**14-254-3139214-254-3139**

3:16

**14/659-8600214/659-8600**

1:35

**14/744-3015214/744-3015**

2:18

**15/875-5812415/875-5812**

2:34

**15D6L** 3:14

**16th** 23:16, 34:21, 76:17

**17/877-1700817/877-1700**

3:9

**1703** 3:13, 79:21

**17th** 23:17

**18** 39:8

**180** 43:15

**1976** 13:3

**1993** 43:24

**1995** 50:6

**1:30** 78:11

**1st** 54:17, 54:21, 54:25,  
56:16, 57:24, 58:1, 58:17

< 2 >

**2** 44:4

**20** 1:45

**2000.** 47:16

**2339(b** 39:9, 40:14

**240** 23:6, 23:10, 24:11

**24th** 33:18

**26th** 2:32

**28th** 2:6

**2nd** 13:3

< 3 >

**3** 1:5, 44:5

**3232** 2:16

**33679** 2:26

**3500** 64:20

**3500(c** 64:24

**399** 62:2, 62:11

**3:0** 4:4

**3d** 44:9

< 4 >

**4** 43:2

**4-240-G** 4:4

**40** 23:3

**40.** 77:4

**403** 36:17, 38:7, 38:17,  
41:19, 41:22, 44:6, 44:14,  
44:18, 55:6

**403.** 39:3, 44:12, 45:5

**404(b** 36:18

**468** 43:3

< 5 >

**5** 13:3

**535** 13:3

**555** 2:31, 32:5

**582** 62:11

**582.** 61:25

**584** 61:16

**584.** 62:11

< 6 >

**615** 8:10, 68:9, 69:20

**615.** 66:15

< 7 >

**700** 1:45, 2:16

**75204** 2:17

**75242** 1:34, 3:15

**76102** 3:8

**79** 79:7

**7th** 59:2

< 8 >

**801** 34:20

**807** 62:12

**87102** 1:46

< 9 >

**9-11** 45:20

**910** 3:7

**94104-1500** 2:33

**948** 13:3

**958** 13:3

< A >

**AARON** 2:4

**Abdulqader** 2:11

**able** 6:4, 6:5, 6:6, 6:8, 6:16,  
8:16, 16:6, 26:6, 27:20,  
27:23, 33:13, 42:16, 42:22,  
66:17, 66:21, 67:23

**above** 79:7

**abridge** 54:21, 57:25

**absolutely** 59:15

**abused** 71:1

**abusing** 71:21

**access** 6:4, 7:14, 50:1

**accessible** 6:18

**According** 60:21

**accuracy** 13:10

**accurate** 12:21, 13:1, 14:1,  
47:7, 47:10

**accurately** 6:7

**accused** 38:9, 55:8

**acknowledged** 58:3

**ACLU** 51:7, 51:9, 51:12

**Act** 38:22, 39:21, 40:9, 61:17

**acted** 7:18

**activities** 46:18

**activity** 39:15, 40:3, 40:17,  
59:8

**acts** 9:6, 36:25, 37:4, 37:21,  
37:25, 39:17, 39:22, 39:23,  
40:1, 40:5, 40:7, 40:8, 42:18



**actual** 11:3  
**Actually** 17:16, 18:13, 23:20, 29:22, 43:4, 44:1, 45:8, 63:18, 65:6  
**add** 13:21, 38:3, 49:20, 59:12  
**added** 54:19  
**additional** 63:15, 69:24, 74:19  
**additional** 25:18  
**address** 10:14, 13:17, 17:10, 28:22, 43:6, 67:11  
**addresses** 60:3  
**addressing** 14:3, 60:9, 60:10  
**adequate** 32:19, 65:18  
**adhere** 27:20  
**admissibility** 72:5  
**admissible** 45:5, 57:17  
**admission** 12:11, 12:22, 46:18, 49:11, 50:4  
**admitted** 6:12, 7:7, 7:15, 7:25, 72:12, 72:13  
**advance** 32:15, 32:16, 35:20, 65:17, 75:12  
**advantage** 15:22  
**advantages** 25:2  
**advocacy** 59:5  
**after** 10:19, 19:7, 19:19, 19:22, 25:20, 27:4, 28:23, 38:25, 47:17, 48:14, 66:10, 71:5, 71:25, 72:1, 77:1, 77:2  
**afternoon** 23:16  
**Again** 20:19, 23:17, 36:8, 60:25, 71:13, 73:6, 75:20  
**against** 4:3, 13:2, 14:6, 34:25, 43:24, 45:19, 50:9, 71:17  
**agenda** 4:5, 5:5, 74:8  
**Agent** 19:21, 69:17, 70:8  
**agents** 69:14, 69:16  
**ago** 4:8, 13:2, 14:15, 46:10  
**agree** 8:21, 9:2, 13:6, 13:18, 13:19, 13:20, 14:19, 15:21, 34:23, 35:23, 53:22, 59:15, 67:7, 67:23, 69:4, 73:11  
**agreed** 30:22, 48:13, 77:2  
**agreeing** 71:14  
**agreement** 69:7, 69:10, 70:24, 75:21  
**agrees** 68:19

**ahead** 9:24, 28:1, 28:12, 54:9, 75:10  
**aiding** 15:14, 15:15  
**aim** 76:22  
**air** 33:21, 69:19  
**AI** 1:11, 45:14, 45:18, 48:3, 49:18, 49:21, 49:23, 52:7, 55:7, 55:10, 55:14, 57:9, 57:10  
**Albuquerque** 1:46  
**alert** 78:2  
**alien** 30:8  
**allegation** 37:19, 39:2  
**allege** 58:23  
**Alleged** 14:9, 34:19, 45:17, 49:21, 49:22, 50:3, 50:5  
**alleges** 48:2  
**Allibhai** 14:6  
**allowed** 42:21, 48:10, 55:17  
**almost** 51:24, 55:8  
**alone** 22:6  
**along** 16:15, 25:7, 30:9, 62:18, 62:23  
**already** 28:15, 77:24  
**also** 10:2, 12:5, 26:12, 38:3, 41:14, 46:7, 46:23, 49:24, 50:14, 52:12, 52:23, 57:11, 60:20, 61:22, 64:4, 64:19, 64:22, 65:14, 69:21, 73:17  
**alternate** 13:7, 75:18, 75:23, 76:3  
**alternates** 25:12  
**alternative** 61:24, 73:14  
**alternatively** 6:22  
**although** 20:24, 24:11, 30:18, 43:25, 48:20  
**always** 22:1, 31:24, 33:4, 42:1  
**am** 6:4, 6:5, 25:11, 30:13, 30:23, 34:22, 44:24, 47:1, 47:3, 52:4, 59:23, 61:8, 71:14, 77:24  
**ameliorate** 26:12  
**amending** 4:21, 4:24, 55:8  
**Amendment** 54:17, 54:21, 54:25, 56:16, 57:24, 58:17, 58:23, 61:18  
**Amendment.** 58:1  
**AMERICA** 1:5  
**American** 43:15

**among** 14:25, 17:22, 42:9, 52:11, 76:2  
**Amongst** 17:18, 17:20  
**amount** 28:4, 41:13  
**analogy** 47:8  
**announcement** 76:1  
**Another** 5:22, 7:25, 39:25, 42:2, 42:16, 64:19, 65:6, 74:15, 74:16, 76:18  
**answer** 32:9, 67:7  
**answering** 23:5  
**answers** 21:5, 23:7, 26:10, 75:11, 77:15  
**anticipate** 9:14, 32:9, 65:9, 66:4  
**anticipated** 20:2  
**anticipates** 6:1  
**anxious** 64:2  
**anybody** 8:14, 9:10  
**anymore** 27:4  
**anyone** 9:5, 54:13, 68:21  
**Anything** 8:13, 17:2, 27:11, 38:20, 53:12, 53:13, 74:21, 78:8  
**Anyway** 21:4, 44:4  
**apologize** 42:10, 60:11, 62:23  
**appear** 19:17  
**application** 44:14  
**applied** 44:7  
**applies** 68:18  
**apply** 54:25  
**appreciate** 32:10, 34:10, 61:13  
**approach** 11:2, 26:19, 26:23  
**appropriate** 4:7, 6:7  
**appropriately** 5:3  
**approved** 12:13, 35:5  
**approximately** 76:20  
**Aqsa** 48:3  
**areas** 40:4  
**aren't** 66:17  
**arguable** 30:17  
**arguing** 43:22, 72:21  
**argument** 29:4, 42:11, 43:20, 51:16, 51:18, 51:20, 56:18, 56:24, 59:21, 60:7  
**arguments** 35:14  
**arises** 36:4  
**arising** 61:17

**arithmetic** 26:15  
**around** 34:7, 34:15, 70:25  
**arraignment** 18:14  
**arrange** 76:13  
**arranged** 75:25  
**articles** 50:15, 50:17, 50:18, 53:19  
**ascertain** 9:3, 9:9  
**ask** 10:7, 10:15, 11:6, 13:21, 15:13, 20:23, 22:19, 28:1, 28:2, 35:11, 35:24, 39:5, 46:8, 48:7, 65:24, 69:14, 69:17, 73:17  
**asked** 5:1, 16:19, 27:13, 31:19, 63:19  
**asking** 23:23, 35:13, 60:12, 63:15, 65:1, 66:17  
**aspect** 55:13, 55:14, 55:19  
**assemble** 25:15  
**assembled** 25:16, 25:18  
**assets** 48:16  
**assist** 19:8  
**Assistant** 1:29, 19:10  
**assume** 66:23  
**assuming** 5:20  
**assure** 54:4  
**attachments** 64:23  
**attack** 42:4, 42:5  
**attempt** 72:4  
**attention** 50:2, 69:8, 73:13, 76:8, 76:15  
**attitudes** 71:9  
**Attorney** 1:29, 28:8  
**attribute** 51:23, 56:6  
**audio** 12:1, 15:4  
**authenticate** 63:13  
**authentication** 49:4  
**authenticity** 54:12  
**authorities** 34:24  
**available** 6:20, 23:21, 23:24  
**Avenue** 2:16, 3:7  
**avoid** 16:25, 54:10  
**await** 5:1  
**aware** 15:2, 35:21, 35:22, 40:15, 40:19, 64:15, 65:15, 77:16

# < B >

**back** 8:8, 9:12, 14:17, 16:20,

19:3, 19:13, 20:12, 20:19, 22:23, 23:1, 24:8, 27:10, 27:14, 29:5, 52:3, 55:23, 56:17, 56:23, 61:21, 62:1, 62:24, 67:6, 68:8, 71:15, 74:12, 78:11  
**background** 41:6  
**Baker** 1:38  
**bank** 17:7  
**BARRY** 1:26  
**based** 20:14, 21:5, 32:8, 44:24, 50:10, 72:24  
**basic** 77:13  
**basically** 25:22, 35:17, 47:3, 69:1  
**basis** 6:19, 37:11, 51:23, 56:21, 67:12  
**bathroom** 27:10  
**beating** 73:7  
**become** 35:19  
**beforehand** 16:4  
**began** 46:10  
**begin** 31:8, 76:6  
**beginning** 24:9, 33:12, 62:24, 74:7  
**begun** 19:1  
**behind** 11:10, 11:11, 15:21  
**beliefs** 59:13, 59:18  
**believe** 32:23, 42:12  
**believes** 51:7  
**bell** 32:23  
**Bench** 5:18, 10:12, 54:3, 54:6  
**benefit** 20:6, 44:8  
**benign** 52:18  
**best** 13:4, 21:11, 33:24, 34:5, 75:22  
**better** 20:7, 61:7, 72:20, 77:19  
**beyond** 33:1, 54:12, 70:1  
**Big** 9:19, 21:18, 25:14, 58:2, 71:17  
**bin** 45:16, 52:8, 52:11, 52:23  
**binders** 16:21  
**bit** 7:22, 9:14, 32:1, 77:8  
**blow** 10:1  
**board** 37:19  
**bombers** 38:13  
**bombing** 37:3, 38:14, 39:1, 40:10, 41:5, 41:16, 42:2

**bombings** 38:16, 39:23  
**books** 53:8, 53:10  
**bootstrapping** 41:7  
**Boston** 42:15  
**bottom** 19:3, 44:4  
**bouncing** 52:3  
**Bourjailey** 35:5  
**Bowen** 59:2  
**BOX** 2:25, 73:25, 75:17, 76:1, 76:13  
**boxes** 73:18, 73:23, 74:2, 74:5  
**BOYD** 1:43  
**branch** 14:10  
**brief** 63:2  
**briefly** 35:11, 40:8, 58:15  
**bring** 8:8, 13:13, 17:5, 21:6, 21:12, 21:16, 22:5, 22:21, 22:23, 23:12, 23:15, 24:11, 24:17, 24:18, 24:19, 26:24, 27:14, 37:2, 37:5, 42:16, 50:2, 54:6, 69:8, 71:24, 73:18, 73:23, 77:4, 77:18  
**bringing** 22:6, 24:6, 27:11, 40:6, 45:18  
**broad** 45:12  
**broader** 59:9  
**brought** 42:17, 44:25, 76:17  
**built** 21:15  
**burden** 21:17, 25:19, 77:10  
**Burn** 7:7, 7:8  
**Burns** 69:16, 70:8  
**business** 6:3, 16:25  
**bussed** 31:5  
**busy** 34:1  
**button** 11:2, 11:3

# < C >

**CA** 2:33  
**Cadeddu** 2:14, 2:15, 70:18  
**California** 2:31  
**call** 9:7, 17:1, 53:3, 74:18  
**called** 4:9, 13:2, 31:13, 43:23, 70:18  
**camera** 10:11, 19:11  
**care** 18:16  
**cart** 77:8  
**cases** 4:13, 10:19, 14:5, 30:3, 32:18, 69:20, 70:22,

71:16  
**CASEY** 3:13, 79:3, 79:17  
**Casey/s** 79:16  
**CASSIDI** 3:13, 79:3, 79:16, 79:17  
**categorically** 53:24, 57:16  
**categories** 36:16, 36:24, 45:9, 45:24, 46:1, 47:12, 50:20  
**category** 39:23, 45:12, 46:21, 47:14, 47:19, 60:4, 68:14  
**cause** 21:15, 26:7, 26:12, 26:25, 28:25, 29:5, 79:4  
**cautionary** 20:4  
**cautious** 44:15  
**caveat** 30:21, 33:14  
**CD** 7:8, 11:18  
**celebrating** 42:3  
**Center** 31:24, 46:25, 47:1  
**certain** 12:9, 14:15, 14:16, 22:4, 22:10, 25:3, 28:4, 30:4, 30:7, 38:1, 39:17, 53:7, 54:14, 64:21, 76:23  
**Certainly** 15:24, 16:5, 34:10, 56:16, 56:17, 57:5, 59:11, 59:14, 71:6, 73:25  
**certify** 79:3, 79:10  
**chains** 49:6, 53:18, 57:7  
**challenge** 26:25, 29:2, 42:22, 45:13, 46:14, 49:25, 50:4, 50:8, 50:10  
**challenged** 10:21, 36:17, 45:9, 46:4, 46:7, 48:1, 48:17, 49:11  
**challenges** 21:15, 25:13, 26:7  
**challenging** 36:15, 36:19, 46:17, 46:18, 49:17, 50:14  
**chance** 25:4, 63:6, 67:13  
**changed** 63:17, 63:22, 71:20  
**character** 36:22  
**charged** 47:22  
**charges** 39:9, 77:22  
**charities** 52:18, 58:5, 58:6, 58:7, 58:22  
**charity** 55:13, 55:19, 55:24  
**charts** 9:15, 9:25, 42:23, 55:6  
**Chechnian** 52:23

**CIPA** 62:13, 64:20, 74:14, 78:11  
**circle** 32:22  
**Circuit** 12:11, 12:12, 12:13, 12:22, 13:1, 13:9, 13:22, 14:7, 20:4, 34:25, 35:4, 43:24, 44:2, 59:2, 59:5, 68:19  
**citation** 42:12  
**cite** 31:23  
**cited** 34:24  
**citizens.** 43:15  
**claim** 40:8  
**claimed** 39:19  
**claiming** 40:21  
**claims** 40:9  
**clarification** 5:6, 28:22, 31:19  
**clarified** 67:13  
**classified** 15:14, 62:5, 64:22, 64:23  
**clear** 41:19, 42:1, 57:9, 57:24  
**clearly** 29:14, 45:19  
**Clerk** 8:12, 11:23  
**client** 70:19  
**clients** 38:2, 67:2  
**CLINE** 2:29  
**clock** 22:13, 27:9, 74:10  
**close** 29:22  
**closed** 47:18, 48:16  
**closing** 74:20  
**clothing** 19:14  
**Co-conspirator** 34:19  
**coconspirator** 36:18, 50:3, 50:5  
**cocounsel** 35:16, 36:10  
**Code** 39:8  
**cold** 77:11  
**combination** 68:16  
**comes** 6:23, 35:25, 41:2, 41:14, 41:18, 44:1, 51:17  
**comfortable** 29:16  
**coming** 63:9  
**commence** 4:16, 24:24  
**commences** 18:17  
**commented** 76:21  
**comments** 32:11, 34:10  
**Commerce** 1:33, 3:14  
**committed** 39:18, 39:19, 40:10, 40:22, 42:2

**committee** 40:1, 49:9, 55:10, 55:13, 55:24  
**committees** 40:3, 47:15, 49:5, 52:10, 52:17, 53:20, 56:18, 56:20, 57:4, 57:6, 58:4  
**committing** 27:18  
**communicate** 5:12  
**communication** 67:9  
**communications** 39:20  
**community** 30:6  
**Company** 49:14  
**comparing** 45:17  
**comparison** 49:18  
**compel** 64:14  
**complete** 60:2  
**completely** 37:25, 42:23, 48:25, 58:10  
**comply** 79:11  
**concentrate** 27:24  
**concept** 53:14  
**concern** 7:3, 32:23  
**concerned** 19:21, 22:7, 36:22, 36:24  
**concerning** 31:3  
**concerns** 26:13  
**concert** 59:17  
**concessions** 32:17  
**conclusion** 19:4  
**Conduct** 4:9, 39:12, 70:21  
**conducted** 44:13  
**Conference** 1:16, 4:2, 29:9, 29:20, 30:1, 35:9, 54:3, 74:13, 74:15, 75:16, 79:12  
**conferences** 16:24, 32:1, 32:7  
**confidential** 64:9, 64:11, 64:16  
**conflict** 43:7, 43:8, 43:12  
**conflicts** 34:11  
**confrontation** 49:25  
**Congress** 54:20  
**connected** 58:24  
**connection** 51:21  
**conservative** 26:19  
**consideration** 13:8  
**consolidated** 60:15  
**conspiracy** 50:7  
**constant** 73:11  
**construed** 54:21, 57:25  
**consumption** 35:6

**contact** 9:11  
**contamination** 32:7  
**contemplated** 25:16  
**contemplating** 28:23  
**contended** 13:14  
**content** 12:18  
**contest** 44:22  
**contested** 41:9, 41:11, 41:13  
**context** 6:7, 28:19, 41:24, 42:6, 45:4, 46:22, 49:10, 53:21, 53:22, 57:12, 57:17, 57:22, 58:10, 59:19, 61:1, 73:9, 73:15  
**continue** 69:5  
**continuing** 5:12  
**continuous** 54:3  
**contract** 31:7, 31:9  
**control** 64:3  
**controlled** 10:11, 11:1, 57:5  
**convenience** 34:7, 34:13  
**Convention** 46:25, 47:1  
**conventions** 46:5, 46:24  
**conversation** 12:19, 31:2, 41:16, 41:24, 41:25, 42:6  
**conversations** 41:3  
**convict** 55:11, 56:7  
**conviction** 54:18  
**convictions** 48:18, 48:20  
**copies** 6:12, 7:5  
**copy** 16:19, 36:12, 63:25  
**core** 28:17  
**correct** 16:10, 37:14, 79:8  
**correctly** 11:20, 76:22  
**counsel** 11:11, 17:8, 20:21, 23:15, 35:11, 35:13, 62:19, 68:22, 69:15, 74:18, 75:10, 75:20, 76:4  
**counsels** 26:9  
**couple** 35:9, 46:10, 52:23, 63:9  
**course** 25:23, 35:3, 45:1, 68:14  
**Courthouse** 1:32, 31:5, 78:5  
**courtroom** 4:13, 9:13, 10:4, 10:18, 10:19, 21:2, 23:7, 23:13, 23:21, 23:24, 24:4, 24:11, 24:18, 24:19, 66:18, 66:20, 66:21, 67:15, 68:21, 78:6  
**courts** 59:5

**cover** 4:5, 12:10, 68:11  
**covering** 6:1, 8:3, 9:1  
**creates** 41:22  
**crime** 44:22, 55:5, 55:16, 56:4, 56:7, 56:8  
**criminal** 32:13, 33:24, 50:8, 50:13, 74:16  
**cross** 70:18, 70:21, 71:4, 71:6  
**crystallize** 73:4  
**CSR** 3:13, 79:21  
**culture** 30:6  
**cumulative** 44:16, 60:20  
**currently** 65:2  
**curve** 11:5  
**custodial** 17:1  
**custodians** 66:4  
**cut** 16:20, 23:24, 25:22, 26:8  
**CUTRER** 3:5

#### < D >

**d)(2)(e)** 34:20  
**D.** 2:29  
**daily** 6:9, 6:18  
**DALLAS** 1:3, 1:34, 2:17, 3:15, 5:24, 7:18, 8:1, 8:22, 9:5, 47:1, 64:6, 79:20  
**DANIELS** 1:43  
**data** 18:1  
**date** 31:8, 40:9, 48:15, 50:7  
**dated** 5:23  
**Daubert** 61:24  
**Day** 2:30, 6:5, 6:13, 7:5, 7:15, 7:16, 12:8, 15:2, 21:13, 23:16, 24:12, 26:21, 26:23, 30:22, 31:6, 33:21, 34:11, 41:17, 42:5, 63:3, 70:17, 72:7, 74:15, 75:5, 76:21  
**days** 20:16, 23:10, 23:11, 25:25, 27:1, 46:10, 64:3  
**dead** 73:7  
**deadline** 6:9  
**deal** 15:9, 60:14, 69:20  
**dealt** 54:9  
**decide** 61:3  
**decided** 22:11, 28:6, 63:4  
**decides** 13:1  
**decision** 13:3, 14:7, 30:9, 33:9, 35:4, 43:24, 44:2, 61:8,

70:13, 72:24, 77:15  
**Defendant** 1:38, 2:1, 2:11, 2:20, 3:1, 31:13, 40:15, 40:18, 40:19, 40:20, 40:22, 40:24, 40:25, 41:3, 41:4, 41:5, 41:8, 41:15, 42:1, 43:9, 44:3, 48:18, 62:3  
**defendants** 6:11, 15:13, 18:2, 18:9, 34:17, 39:19, 41:9, 43:5, 43:11, 45:20, 46:11, 47:25, 48:24, 59:20, 70:19, 70:23, 70:25  
**Defense** 9:22, 11:17, 12:20, 13:14, 30:12, 30:16, 30:17, 31:22, 33:3, 33:10, 35:13, 35:19, 35:21, 36:1, 36:6, 38:4, 40:12, 40:18, 43:11, 44:25, 52:19, 59:23, 59:24, 60:18, 60:19, 60:21, 61:2, 63:12, 63:20, 63:21, 63:22, 64:13, 64:25, 70:22, 71:3, 71:8, 71:18, 71:24, 77:25, 78:8  
**Defensive** 37:22, 53:3  
**definitive** 67:7  
**deliberations** 19:9, 76:7  
**democratic** 51:22  
**denied** 7:24, 64:8  
**deny** 34:22, 36:3, 44:24, 59:23  
**denying** 12:22, 60:24  
**Department** 1:30, 50:24, 50:25, 51:2, 51:15  
**Depending** 16:14, 52:3  
**deprives** 77:13  
**deputy** 10:13, 10:15, 10:16, 10:19  
**describe** 36:21, 40:9, 62:6  
**designated** 38:6, 39:13, 40:15, 41:10, 42:8, 42:21, 43:9, 43:14, 45:13, 47:15, 56:12  
**designation** 50:5, 59:3  
**designations** 47:20, 47:22  
**designed** 35:14, 55:2, 68:11  
**desk** 63:23  
**despite** 44:21  
**detail** 5:5, 21:8, 54:8  
**details** 29:23, 31:3, 41:6  
**determination** 57:13, 57:18,

57:21, 61:1  
**determine** 72:11  
**development** 62:21  
**dialogue** 73:11  
**different** 21:3, 32:11, 32:16,  
 32:17, 42:9, 68:22  
**differently** 32:14  
**difficult** 27:18, 45:2, 73:7  
**difficulties** 16:4, 33:24  
**difficulty** 4:11, 21:19  
**digital** 19:10  
**digitized** 12:6  
**dire** 4:19, 4:25, 20:10, 22:1,  
 22:15, 22:16, 22:17, 22:20,  
 23:10, 23:13, 23:14, 24:3,  
 25:21, 28:7, 28:8, 29:12,  
 31:13, 31:23, 33:1, 33:7,  
 33:11, 77:12, 77:17, 77:19  
**direct** 10:16  
**directly** 65:25  
**directors** 37:19  
**directs** 10:16  
**disagree** 15:20, 32:12, 33:3,  
 41:23, 66:14  
**disagreement** 12:24, 13:10  
**disagreements** 14:21  
**disappoint** 33:12  
**discovery** 66:9  
**discretion** 69:1, 69:21,  
 69:25, 70:2  
**discuss** 5:4, 28:24, 31:22,  
 34:17, 39:18, 39:24, 75:20  
**discussed** 6:10, 17:16,  
 17:21, 17:22, 20:10, 21:20,  
 25:2, 25:6, 26:3, 29:9, 29:24,  
 31:25, 39:22, 46:1, 63:3,  
 74:14  
**discussing** 32:3, 32:4,  
 39:21, 59:11  
**discussion** 16:24, 29:21,  
 32:6, 75:15  
**discussions** 69:6, 69:9, 72:8  
**disk** 6:20, 6:24  
**displayed** 9:23  
**dispute** 12:20  
**disregard** 35:24  
**disseminated** 19:25  
**DISTRICT** 1:1, 1:2, 1:31,  
 30:5, 42:12, 59:3, 59:5,  
 79:18, 79:19

**DIVISION** 1:3, 79:20  
**Docket** 4:4, 61:16, 61:25,  
 62:2  
**Document** 6:13, 6:16, 10:10,  
 11:3, 32:5, 43:3, 49:12,  
 49:18, 49:21, 49:23, 54:13,  
 63:20  
**documentary** 19:4  
**documents** 5:9, 6:8, 6:14,  
 6:19, 6:22, 7:10, 7:14, 8:14,  
 9:4, 15:5, 38:1, 45:16, 45:17,  
 49:4, 50:12, 51:3, 53:1, 53:6,  
 74:1  
**doing** 10:24, 15:17, 16:2,  
 16:16, 25:24, 30:5, 30:7,  
 30:10, 42:18, 43:18, 72:19  
**done** 14:22, 22:1, 26:1,  
 32:18, 38:17, 46:23, 46:24,  
 51:4, 74:11, 74:13, 74:17,  
 75:19, 76:14  
**door** 43:13  
**doubt** 44:9  
**down** 16:7, 16:20, 23:25,  
 24:11, 26:7, 26:8, 28:17,  
 43:18, 47:1, 73:24  
**dragged** 44:17  
**DRATEL** 2:3, 2:5, 4:25, 5:6,  
 8:6, 8:16, 10:3, 10:23, 18:4,  
 18:11, 18:20, 20:15, 28:3,  
 29:16, 30:6, 30:20, 32:6,  
 38:3, 38:15, 40:11, 42:20,  
 50:21, 51:20, 54:11, 54:16,  
 55:2, 55:16, 55:20, 56:1,  
 56:22, 57:9, 57:19, 58:25,  
 71:10, 73:15, 78:1  
**draw** 75:24  
**dress** 38:24  
**drives** 41:21  
**DUNCAN** 1:42, 36:14, 36:24,  
 37:16, 45:8, 45:12, 45:25,  
 46:4, 46:16, 47:14, 47:19,  
 49:11, 49:24  
**during** 7:15, 9:7, 17:25,  
 22:19, 31:6, 36:4, 48:4,  
 48:22, 49:13, 53:2, 60:1,  
 66:18, 79:3

< E >  
**earlier** 7:3, 18:7, 20:13,

20:19, 25:2, 25:7, 29:25,  
 31:1, 31:2, 33:10, 34:2, 44:1,  
 62:1, 75:15  
**Early** 71:14  
**easier** 10:24  
**East** 37:12  
**Eastern** 42:12  
**easy** 26:11, 30:8  
**editing** 7:2  
**educated** 77:6  
**effect** 38:13, 44:18, 76:9  
**efficient** 21:25, 22:15, 26:1,  
 75:9  
**effort** 4:12, 13:5  
**efforts** 16:24, 54:7  
**Either** 11:18, 15:25, 18:16,  
 19:2, 23:16, 29:1, 34:3, 36:1,  
 39:7, 47:20, 70:3  
**EI** 78:4  
**El-mezain** 2:1  
**Elashi** 2:20, 18:7, 48:18  
**Eleanore** 19:10  
**election** 63:21  
**electronic** 6:20, 9:13, 9:16,  
 9:17, 10:4, 11:17, 63:6  
**element** 40:14, 41:7  
**elements** 38:20  
**elicit** 35:14, 64:11  
**eliminate** 28:16  
**eliminated** 28:15  
**ELIZABETH** 1:27  
**embark** 29:22  
**empathize** 16:6  
**encourage** 15:24, 69:5  
**encouraged** 38:13  
**end** 6:12, 7:15, 16:7, 16:13,  
 30:21, 30:22  
**engaged** 37:11, 39:14, 39:15  
**engages** 39:16, 40:16  
**England** 49:22  
**English** 67:2  
**enormous** 15:9  
**enough** 21:15, 24:1, 43:20,  
 59:15, 59:21, 77:3  
**entire** 21:16  
**entirely** 68:17  
**entirety** 60:11  
**entitled** 34:18, 39:11, 40:4,  
 42:7, 49:12, 57:1, 69:24  
**enumerated** 59:2

**equipment** 10:21, 11:22  
**escaped** 36:9  
**especially** 18:25  
**essential** 73:16  
**estimate** 31:9  
**estimated** 76:20  
**ET** 1:11  
**event** 9:2, 45:21  
**events** 46:11, 46:20, 48:14  
**everybody** 12:10, 44:8, 71:4, 75:20, 76:7, 76:15  
**everyone** 22:6, 58:16, 62:25  
**everything** 47:4, 53:23, 59:6, 62:16, 74:17  
**exactly** 20:22, 24:16, 33:19, 56:19  
**exaggeration** 7:22  
**examination** 70:21, 71:6  
**examine** 70:18  
**examining** 71:4  
**example** 37:21, 40:2, 47:24, 72:6  
**examples** 31:24  
**excellent** 75:18  
**Except** 32:15, 55:18  
**exchanged** 5:9  
**Exclude** 34:19, 36:7, 66:25, 67:4  
**excluding** 44:16  
**exclusion** 44:12, 44:21  
**excused** 69:18  
**exercised** 21:14  
**exhibit** 4:19, 4:24, 5:7, 45:15, 50:2, 50:16  
**exhibits** 5:8, 5:18, 6:12, 6:24, 8:5, 9:12, 9:15, 11:17, 17:13, 36:15, 53:17, 68:5, 68:6, 72:21  
**expand** 34:9  
**expect** 6:16, 8:16  
**expected** 19:1, 33:17  
**expecting** 42:11  
**expedite** 17:10, 75:9  
**expeditious** 35:2  
**experience** 20:15, 26:9, 29:4, 35:1  
**experienced** 16:1  
**expert** 39:18, 39:24, 40:7, 66:16, 68:1, 68:4, 68:16, 68:17, 68:21

**experts** 60:19, 61:24, 66:19, 66:20, 66:22, 66:25, 67:5, 68:3, 68:4, 68:5, 68:11  
**explain** 54:9  
**explained** 59:23  
**explore** 27:14  
**explored** 22:18  
**exploring** 22:14  
**expressly** 48:13, 54:19  
**extended** 24:5  
**extends** 69:25  
**extent** 13:17, 48:6, 68:17  
**extra** 10:7, 22:25, 24:7, 38:7  
**extraordinary** 41:13, 54:17

< F >

**fact** 38:25, 57:7, 58:21, 58:23, 68:11, 68:16, 71:20  
**factor** 66:2  
**facts** 44:13  
**fair** 14:1, 54:23, 65:16  
**fairly** 37:11  
**fairness** 44:20  
**fall** 7:4  
**familiar** 4:15, 8:9, 35:10  
**family** 47:25  
**far** 7:5, 9:19, 32:18, 42:19, 42:23, 63:16  
**Fatah** 53:11  
**faxes** 39:22  
**FBI** 73:18  
**fear** 54:2  
**Federal** 34:20, 44:6  
**feel** 34:14  
**fees** 79:10  
**few** 64:3  
**Fifteen** 21:12, 22:7, 22:24, 24:7, 24:20, 25:1, 25:9, 26:15, 26:20, 27:3, 27:9, 27:11, 28:8, 28:9, 28:11, 28:24, 31:15  
**Fifth** 12:12, 13:22, 14:7, 20:4, 43:24, 44:1  
**fifty-two** 28:13  
**fight** 41:1  
**fighting** 41:1  
**figure** 17:22, 25:8, 26:14  
**figured** 27:12  
**figuring** 28:6

**file** 50:13, 53:11, 53:15, 58:12, 63:15, 63:25  
**filed** 32:5, 34:17, 35:12, 43:4, 61:18, 61:25, 62:2, 62:4, 65:4  
**files** 50:17, 50:18  
**filing** 31:21, 43:8, 63:2, 63:5, 63:6  
**filings** 51:3, 62:25  
**filtered** 53:6, 53:18  
**financial** 17:7, 59:16  
**financing** 38:9  
**find** 10:22, 15:8, 15:20, 53:8, 53:10, 75:21  
**fine** 10:8, 10:23, 18:19, 18:20, 19:15, 36:5  
**finish** 74:14  
**finished** 14:23, 15:2, 15:10, 63:5, 74:22  
**First** 1:45, 4:8, 6:23, 16:5, 20:16, 22:7, 23:12, 33:17, 35:12, 36:16, 45:11, 47:13, 49:14, 52:5, 54:12, 55:5, 58:22, 60:3, 61:18, 65:25, 66:5, 66:6, 69:9, 70:4, 70:10, 70:18, 75:5, 77:19  
**FISA** 62:4  
**FISH** 1:18  
**Fitzwater** 23:21  
**five** 21:12, 26:21, 27:11  
**flagrant** 26:11  
**flavor** 42:7  
**Floor** 2:6, 2:32  
**Florida** 2:26  
**flushed** 25:5  
**focus** 5:2, 17:11, 27:16, 75:12  
**focusing** 22:13  
**follow** 25:19  
**follow-up** 22:5, 22:10, 22:21, 23:14, 63:8  
**follow-ups** 22:8  
**Footnote** 13:3, 43:2, 43:6  
**force** 44:17  
**Forces** 63:12  
**foregoing** 79:7  
**foregoing-styled** 79:4  
**foreign** 13:23, 13:24, 14:4, 14:8, 17:7, 38:5  
**forgotten** 74:21

**form** 77:14  
**format** 79:10  
**Fort** 3:8  
**forth** 4:20, 20:8, 29:5, 52:3, 67:6  
**forty** 20:25, 76:24  
**found** 49:7, 49:8, 49:10, 50:17, 50:18, 58:12, 58:18  
**Foundation** 1:11, 4:3, 37:8, 37:12, 37:15, 37:17, 37:20, 46:6, 47:23, 48:9, 48:11, 48:12, 48:15, 49:12, 49:17, 52:18  
**four** 16:21, 20:16, 23:10, 23:11, 25:25, 26:16, 27:1, 45:23, 71:19, 74:16, 76:19  
**four.** 45:25  
**fourteen** 31:16  
**fourth** 23:18  
**Fragoso** 34:25  
**Francisco** 2:33  
**frankly** 69:4  
**fraud** 71:17  
**free** 67:15  
**FREEDMAN** 1:43  
**Freedom** 61:17  
**freedoms** 54:22  
**friends** 32:22  
**front** 16:20, 17:3, 21:19, 31:24, 36:12, 43:1, 44:9, 64:15  
**full** 42:7, 58:11  
**fully** 6:5  
**function** 10:9, 44:15  
**fundamental** 77:14  
**fundamentalist** 55:21  
**fundraisers** 46:14  
**fundraising** 46:11, 46:17, 46:23, 46:24  
**funneled** 37:18  
**funneling** 37:13  
**future** 43:7

# < G >

**Gail** 23:23  
**gain** 6:4, 29:17  
**game** 54:23  
**GARRETT** 1:28, 9:18, 52:14, 56:15, 56:23, 59:10, 60:8

**gate** 27:25  
**gave** 31:8  
**general** 20:11, 20:20, 21:4, 21:17, 22:1, 23:13, 29:21, 36:16, 36:20, 36:21, 37:9, 49:24  
**generally** 19:7, 48:5, 49:3, 60:22, 68:2, 70:24  
**Germany** 47:21  
**gets** 10:10, 25:15  
**getting** 8:18, 26:1, 28:17, 29:22, 34:1, 42:24, 54:12  
**gha** 14:10  
**Giglio** 65:9, 65:22  
**give** 4:18, 7:8, 16:12, 16:15, 20:3, 22:16, 28:1, 31:23, 34:4, 34:5, 47:13, 55:9, 59:7, 65:18, 74:1, 74:8, 75:6  
**given** 6:12, 16:9, 38:12, 69:15  
**giving** 8:14, 38:4, 47:22  
**goal** 22:7  
**goals** 55:14  
**gotten** 19:7, 45:10  
**Governments** 47:21  
**granted** 5:1  
**great** 32:24, 54:8  
**greatly** 33:12  
**GREG** 3:4  
**grizzly** 38:16  
**grossly** 45:21  
**ground** 74:25  
**grounds** 12:22, 36:17, 46:7, 48:25, 49:14, 50:6  
**group** 23:4, 23:6, 23:12, 23:15, 24:18, 27:13, 27:16, 31:16, 53:18, 55:3  
**grouped** 46:1  
**groups** 21:6, 21:12, 21:24, 22:7, 23:18, 24:6, 24:13, 24:14, 24:15, 31:15, 45:14, 51:1, 53:12  
**GSA** 31:7  
**GU** 14:13  
**guaranteed** 58:1  
**guess** 6:23, 7:8, 8:17, 12:4, 18:5, 23:15, 24:1, 24:10, 36:9, 60:18, 70:12, 72:8, 75:22, 76:18  
**Guidelines** 49:12

**guitar** 46:25, 47:2, 47:3, 47:4  
**guitars** 47:2  
**Gujrati** 14:11

# < H >

**half** 23:11, 24:22, 26:21, 72:7, 74:12  
**hall** 31:16  
**HAMAS** 37:10, 37:13, 37:15, 37:19, 39:18, 39:19, 39:24, 39:25, 40:8, 40:9, 42:2, 42:8, 42:9, 43:14, 48:2, 48:24, 50:6, 52:14, 52:15, 53:9, 53:10, 53:11, 57:5, 57:6, 57:8, 58:19, 58:21, 58:24  
**Hamas-related** 52:22  
**handle** 35:2, 52:5  
**handled** 13:4  
**handling** 30:2  
**happened** 39:1  
**happens** 26:10  
**happy** 71:6  
**hard** 30:18  
**hardship** 32:16  
**harness** 56:23  
**hat** 75:24  
**hazy** 20:11  
**head** 14:10  
**heals** 44:17  
**health-related** 78:4  
**hear** 16:6, 35:6, 47:12, 51:19, 61:6, 70:4, 72:16  
**heard** 10:25, 17:2, 17:8, 43:20, 45:3, 48:3, 53:24, 58:5, 59:21, 59:23, 61:3  
**hearing** 12:8, 18:1, 34:18, 34:22, 35:1, 46:10, 48:4, 61:24, 64:7, 70:18  
**hearsay** 50:19  
**held** 46:12  
**Helms** 71:17  
**help** 8:12, 8:18, 62:13, 77:14  
**helpful** 75:4  
**hermetically** 32:8  
**Herndon** 56:2  
**herring** 41:21  
**Hezbollah** 52:24  
**high** 36:20, 46:2  
**higher** 70:19, 76:22

**histories** 50:13  
**Hit** 36:20, 46:2, 74:25  
**hold** 21:2, 23:8  
**holds** 23:22, 71:16  
**holiday** 34:11  
**HOLLANDER** 1:41, 1:44, 5:10, 36:10, 36:14, 54:4, 58:16, 61:15, 62:10, 63:8, 67:22, 69:3, 74:2  
**Holy** 1:11, 4:3, 37:1, 37:3, 37:5, 37:8, 37:12, 37:14, 37:17, 37:20, 38:8, 46:6, 46:17, 46:19, 46:20, 47:16, 47:17, 47:23, 48:9, 48:11, 48:12, 48:15, 49:16, 50:17, 50:18, 51:14, 52:10, 52:17, 55:7, 58:21, 59:3, 59:13  
**homicide** 40:20, 40:21  
**HONORABLE** 1:18  
**hope** 13:17, 14:22, 65:10, 71:1  
**hopeful** 23:20  
**hopefully** 21:13, 26:17, 64:3  
**hoping** 20:15, 63:24, 63:25  
**horrific** 45:21  
**horse** 73:7, 77:8  
**hour** 25:24, 26:17, 74:12, 76:19  
**hours** 26:21, 27:8, 56:10  
**Hudson** 9:6, 10:18, 76:16, 78:6  
**huge** 52:25  
**Humanitarian** 58:17, 58:25, 59:4  
**hundred** 14:20, 16:16, 20:25, 22:23, 23:22, 23:25, 25:3, 25:5, 27:2, 27:6, 53:17, 73:23  
**hundred.** 28:19, 28:20  
**hyperlinks** 48:11

< I >

**idea** 7:20, 23:11, 53:13, 75:13, 75:18  
**identity** 43:5  
**ideological** 55:4  
**images** 52:21  
**imagine** 25:21  
**immediately** 77:16

**implicate** 58:22  
**implicated** 38:7  
**implications** 54:17  
**imply** 43:5  
**important** 27:23, 43:5, 53:20, 76:7, 77:19  
**imposed** 20:18  
**impression** 12:7, 20:20, 46:9  
**improper** 35:24, 43:11  
**in-limine** 45:3, 45:6  
**in.** 41:2, 41:14, 42:22, 55:17, 64:4  
**inaccuracies** 13:15, 13:18  
**inclined** 30:13, 61:5  
**include** 15:5, 47:24, 48:11, 53:18, 61:23  
**included** 45:15, 48:13, 52:11  
**includes** 55:14  
**including** 48:2  
**incredibly** 32:20  
**indicate** 22:4, 22:21  
**indicated** 37:2, 48:19, 64:14  
**indictment** 18:1, 18:3, 18:8, 47:24, 55:9, 70:20, 70:23  
**individual** 22:17, 22:20, 23:14, 25:21, 28:7, 29:12, 31:13, 31:23, 32:25, 33:7, 33:11, 77:3, 77:12, 77:17  
**individually** 21:7, 77:7  
**individuals** 47:21  
**inflame** 45:20  
**inflaming** 38:19  
**Infocom** 7:17, 45:17, 49:14  
**inform** 77:21  
**informally** 19:7  
**information** 74:18, 77:14  
**informed** 62:18  
**infrequently** 12:19  
**initial** 50:15, 65:10, 67:16, 75:22  
**inject** 38:18  
**inquires** 9:11  
**inspection** 6:15  
**instance** 46:25  
**instances** 12:14, 73:8  
**institution** 51:22, 51:23  
**institutions** 17:7  
**instruct** 12:14  
**instruction** 12:12, 16:8, 16:12, 76:11

**Instructions** 16:13, 19:5, 20:4, 20:5, 21:17  
**insure** 6:3  
**integrity** 6:16  
**intend** 4:18, 5:17, 9:16, 9:17, 31:4, 36:2, 39:17, 39:24, 48:19, 50:10, 50:12, 50:16  
**intends** 12:9, 37:5, 59:16, 60:21  
**intensive** 30:18  
**intensively** 31:22  
**intent** 37:2, 51:8, 51:11, 56:7  
**intention** 20:3, 35:22, 64:11, 71:10, 71:11  
**intercepted** 39:20  
**interested** 9:8, 56:6  
**internet** 51:22  
**Interpol** 48:3  
**interpretation** 68:19  
**interpreted** 54:20  
**interpreters** 67:2  
**interrupt** 6:2  
**intimated** 30:12  
**introduce** 48:20, 48:21, 50:12, 50:16  
**introduced** 6:5, 16:9, 48:22  
**introduction** 48:5  
**investigation** 13:16  
**invoke** 66:24  
**involve** 36:25  
**involved** 7:2, 12:15, 75:10  
**involving** 6:10, 18:7  
**iron** 16:3, 44:19  
**irrelevant** 37:25, 39:1, 43:9, 48:25, 49:15, 59:10, 64:22  
**Islam** 14:10  
**Islamic** 55:21  
**Israel** 38:1, 47:15, 47:21, 49:5, 50:10, 53:2, 53:5, 60:22, 63:21  
**Israeli** 19:21, 63:12  
**Israeli-palestine** 43:6  
**issue** 8:10, 15:2, 15:9, 16:6, 27:14, 27:16, 27:24, 33:17, 36:4, 38:18, 41:9, 41:12, 41:18, 42:20, 43:8, 50:2, 52:4, 52:5, 53:1, 56:19, 58:7, 58:23, 60:10, 64:9, 64:16, 65:7, 66:8, 66:13, 67:22, 69:21



**issues** 5:15, 15:11, 25:3,  
61:16, 63:3, 63:4, 67:3, 74:9,  
74:19, 77:18, 78:4  
**item-by-item** 57:13, 57:21  
**items** 36:13, 54:9, 58:10,  
58:11, 58:18, 59:25  
**itself** 48:20, 59:14

< J >

**J.** 2:4  
**Jacks** 1:25, 4:13, 8:17,  
14:18, 23:2, 26:3, 29:6, 30:2,  
30:9, 32:1, 33:9, 35:15, 49:8,  
65:25, 66:11  
**James** 34:18, 34:22  
**Jason** 5:25  
**Jencks** 65:9, 65:20  
**JIM** 1:25  
**job** 14:24  
**jobs** 14:25  
**JOE** 1:18  
**JOHN** 2:29  
**Joint** 34:17, 36:6, 62:3  
**JONAS** 1:26, 7:17, 9:20,  
15:3, 15:13, 28:21, 29:3,  
34:9, 39:4, 39:8, 40:13,  
41:23, 42:15, 43:22, 47:11,  
52:1, 52:2, 57:2, 60:3, 60:7,  
60:8, 60:9, 60:13, 64:19, 65:4  
**Jones** 2:30  
**JOSHUA** 2:3, 2:5  
**Judge** 6:11, 7:18, 35:17,  
44:20, 64:7, 71:23, 76:16  
**judges** 12:17  
**judgment** 73:8  
**Judicial** 79:11  
**July** 33:18  
**jump** 77:11  
**juror** 21:13, 22:13, 25:17,  
27:3, 28:23  
**jurors** 16:22, 19:5, 19:6,  
20:7, 21:15, 22:3, 22:4,  
22:10, 23:8, 24:15, 24:24,  
25:1, 25:9, 27:24, 28:17,  
31:4, 31:8, 31:15, 75:2, 75:4,  
75:17, 75:18, 75:23, 76:3,  
76:6, 76:16  
**juryroom** 19:3, 72:4  
**Justice** 1:30, 50:24, 50:25,

51:2, 51:15  
**justification** 40:12, 40:17,  
40:19, 40:21, 40:24, 62:23  
**justifies** 33:7

< K >

**Kastigar** 12:8, 17:25, 46:9,  
48:4, 70:17  
**keep** 72:19  
**keeping** 34:6  
**key** 49:6, 53:18, 57:7  
**Khan** 14:10  
**killed** 40:21  
**kind** 15:22, 22:4, 22:17,  
24:9, 67:6, 77:7  
**kinds** 52:16, 52:20, 53:16,  
77:10  
**knocking** 21:13  
**knowing** 58:14  
**knowledge** 39:13, 40:14,  
41:4, 41:7, 41:15, 51:11  
**knows** 41:4, 41:5, 41:15,  
42:5, 49:7, 62:25, 76:6

< L >

**L.** 2:5, 3:13, 79:3, 79:17  
**Laden** 45:16, 52:8, 52:11,  
52:23  
**Land** 1:11, 4:3, 37:1, 37:3,  
37:5, 37:8, 37:12, 37:14,  
37:17, 37:20, 38:8, 46:6,  
46:17, 46:19, 46:20, 47:16,  
47:17, 47:23, 48:9, 48:11,  
48:12, 48:15, 49:16, 50:17,  
50:18, 51:14, 52:10, 52:17,  
55:7, 58:21, 59:3, 59:13  
**language** 13:23, 13:24,  
14:11, 15:15, 44:1, 44:4,  
44:6, 44:8, 76:8  
**languages** 14:4  
**lap** 10:11, 11:8, 11:9, 11:11,  
11:15, 11:16, 11:19, 12:5  
**large** 9:15, 14:24, 14:25,  
25:25, 36:13, 71:15  
**largely** 20:14  
**larger** 27:16  
**last** 28:6, 41:1, 63:10, 67:9  
**later** 5:21, 63:5

**latter** 30:25  
**LAW** 2:5, 2:15, 2:24, 12:11,  
12:21, 13:9, 13:22, 15:22,  
31:23, 34:25, 35:3, 35:22,  
35:24, 50:7, 56:1, 58:25,  
59:4, 72:18  
**lawyer** 71:3, 71:5  
**lawyers** 16:1, 27:21, 29:6,  
54:6, 71:18  
**lay** 15:21, 54:8  
**lead** 71:3, 71:5  
**Leader** 52:14, 52:15  
**leaders** 48:24, 52:11, 52:24  
**Leah** 60:20  
**learning** 11:5  
**least** 30:11, 46:11, 64:15,  
64:17, 70:9, 72:19, 73:20  
**leave** 60:8  
**leaves** 10:20  
**legal** 30:6  
**Leigh** 31:2, 31:8, 75:6  
**length** 20:2, 33:2, 71:16  
**less** 20:25  
**letter** 5:23, 8:7  
**letterhead** 5:24  
**letters** 66:11  
**letting** 70:25  
**level** 29:1  
**levels** 60:19  
**Levitt** 66:4  
**liable** 47:4  
**liaison** 7:19, 9:7  
**library** 55:21, 56:5  
**life** 43:15  
**Limine** 34:16, 34:18, 35:10,  
35:12, 36:7, 43:2, 43:8,  
44:25, 47:6, 54:1, 60:2,  
60:13, 60:16, 60:18, 60:23,  
60:25, 61:10, 61:16, 61:23,  
64:5, 64:17  
**limit** 38:17, 41:3, 55:24  
**limited** 44:16  
**limits** 20:18, 24:23, 30:24  
**LINDA** 2:23, 2:24  
**Lindsay** 6:11, 7:18  
**link** 48:13, 50:24, 51:10,  
51:15  
**linked** 48:2  
**links** 51:3, 51:24  
**list** 4:24, 8:2, 26:8, 45:15,

50:1, 50:2, 50:16, 61:15,  
62:8, 62:9, 62:11, 62:20,  
66:10, 70:19, 74:1, 74:23,  
75:4  
**listed** 70:23  
**listen** 14:12  
**lists** 4:19, 5:7  
**litany** 38:15  
**literally** 63:23  
**litigation** 15:22  
**little** 20:11, 23:22, 44:23,  
64:2, 65:7, 68:9, 73:6, 76:22,  
77:8  
**live** 20:17  
**loaded** 11:18  
**local** 65:13  
**locate** 27:15  
**locating** 4:11  
**location** 31:5  
**logical** 22:14  
**logistical** 21:19, 31:3, 78:5  
**logistically** 21:10  
**logistics** 34:1  
**long** 13:2, 14:14, 18:25,  
19:16, 19:24, 23:11, 33:20,  
65:11, 71:1  
**look** 24:2, 33:5, 59:18, 65:18  
**looked** 68:8  
**looking** 11:11  
**looks** 19:16, 73:1  
**lot** 15:4, 17:1, 28:6, 37:23,  
73:7  
**Lowry** 56:2  
**lunch** 74:11, 74:12  
**Lyon** 31:2

# < M >

**M-c-k** 44:3  
**ma** 16:14  
**magic** 28:13  
**mail** 71:17  
**main** 36:24, 50:20  
**maintain** 6:15, 22:11, 22:12  
**major** 44:15  
**Mallick** 3:6  
**man** 5:25  
**Manchester** 49:22  
**manner** 54:21  
**manufacturer** 47:2

**maps** 9:16, 9:25  
**March** 34:21  
**margins** 68:14  
**Marlo** 2:14, 2:15, 67:10  
**material** 14:22, 59:6, 63:15,  
64:21, 64:24, 65:9, 65:16  
**materials** 4:18  
**math** 25:8, 27:7  
**matter** 13:4, 25:15, 35:3,  
41:19, 44:12, 44:16, 45:3,  
68:23, 69:24  
**matters** 4:5, 4:6, 74:14,  
78:11  
**maximum** 23:8, 24:20,  
25:11, 26:16, 28:9, 28:10  
**Mcgonigle** 8:1, 8:9, 8:22,  
64:6, 64:10  
**Mckeef** 42:14, 42:15  
**Mckinney** 2:16  
**mean** 17:18, 26:22, 50:25,  
55:22, 68:4, 71:11  
**means** 37:9  
**meant** 44:18  
**mechanics** 28:7  
**media** 6:20, 6:21, 9:7  
**Meeting** 34:19  
**member** 26:16  
**members** 37:18, 40:2, 47:25,  
76:23  
**memo** 68:24  
**Memorandum** 36:8, 62:3  
**memory** 14:14, 16:8, 20:11,  
21:8, 68:9  
**mention** 33:13  
**mentioned** 24:13, 31:1,  
36:14, 48:17  
**met** 22:8  
**metaphor** 47:8  
**method** 25:17, 25:23  
**Mezain** 78:4  
**mid-eighties** 71:15  
**Middle** 37:12, 72:14  
**midway** 71:20  
**military** 40:2, 53:3  
**millions** 50:23  
**mind** 6:24, 20:13, 26:15,  
29:15, 51:6, 51:11, 56:15,  
59:14, 59:18, 62:8, 63:17,  
72:19  
**minimum** 70:7, 71:5

**minister** 63:20, 63:21, 63:22  
**minute** 37:7  
**minutes** 21:13, 22:8, 24:20,  
24:22, 25:1, 25:23, 26:16,  
26:20, 27:3, 27:9, 28:8, 28:9,  
28:11, 28:24  
**Miranda** 69:17, 70:8  
**misidentified** 5:13  
**missed** 61:11  
**missing** 5:11, 5:12  
**mix** 28:18, 75:17  
**moment** 9:13  
**Monday** 23:12, 75:1  
**money** 14:9, 37:13, 37:18,  
38:4, 38:12, 47:22, 59:7,  
59:18  
**months** 4:8, 19:19, 66:18  
**moral** 55:4, 58:8  
**MORENO** 2:23, 2:24, 20:14,  
26:2, 28:17, 31:21, 32:5,  
76:10, 76:14  
**Morning** 5:24, 7:18, 8:1,  
8:23, 9:5, 63:23, 64:6, 75:1  
**mosques** 46:12, 46:23  
**mostly** 50:18  
**Motion** 34:18, 34:22, 35:12,  
36:3, 36:7, 43:2, 43:3, 43:8,  
44:24, 47:6, 54:8, 57:12,  
59:22, 59:24, 60:11, 60:15,  
60:25, 61:6, 61:10, 61:16,  
61:23, 62:3, 62:5, 63:2, 63:9,  
63:11, 63:18, 64:4, 64:5,  
64:8, 64:17, 64:19, 64:20,  
64:23  
**motions** 34:16, 35:10, 45:7,  
60:2, 60:13, 61:10, 61:22,  
62:8, 62:13  
**move** 25:7, 40:10  
**Mufid** 2:11  
**murders** 40:22  
**Muslim** 14:8  
**myself** 8:7, 31:20, 75:13  
**MYSLIWIEC** 2:4

# < N >

**name** 19:2, 44:2  
**named** 5:25, 47:23  
**names** 75:24  
**NANCY** 1:41

**narrow** 26:7  
**Nasrallah** 52:12  
**NATHAN** 1:28  
**nationals** 14:8  
**native** 14:11, 15:15  
**nature** 52:20, 55:6, 56:19, 59:12, 59:13, 72:15  
**nay** 73:5  
**necessarily** 35:18, 66:18, 67:14  
**necessary** 22:25, 23:14, 33:1, 41:20, 72:6  
**need** 8:12, 8:19, 9:3, 9:11, 18:16, 20:9, 21:24, 22:9, 23:9, 23:10, 25:9, 26:17, 27:4, 29:3, 60:13, 61:2, 62:14, 67:18, 67:19, 68:6, 72:16, 73:13, 73:19, 73:20, 73:24, 74:6, 74:13, 74:17, 75:10, 76:23  
**needed** 22:21, 23:18, 27:18  
**needs** 22:5, 60:8  
**neither** 7:23  
**network** 58:20, 58:21  
**New** 2:7, 30:7, 42:12, 63:4, 63:22  
**News** 5:24, 7:18, 8:1, 8:23, 9:5, 64:6  
**newsletters** 39:22  
**newspaper** 6:15  
**newspapers** 50:15, 53:19  
**next** 23:16, 24:2, 47:14, 64:3  
**night** 65:14  
**ninety** 14:15  
**Ninth** 59:4  
**NM** 1:46  
**Nobody** 51:14, 76:5  
**nodding** 18:12  
**nondemonstratives** 73:20  
**None** 15:14, 53:24  
**none.** 44:23  
**nonexistent** 71:5  
**nonissue** 69:11  
**noon** 74:11  
**nor** 58:14  
**normally** 26:20  
**NORTHERN** 1:2, 1:31, 79:19  
**notes** 20:3, 20:5, 20:6  
**notetakers** 20:7  
**Nothing** 46:20, 55:24, 57:10,

57:25  
**notice** 36:10, 39:20, 62:12  
**notified** 77:9  
**nullification** 35:14, 43:11  
**NUMBER** 1:5, 4:4, 4:5, 21:14, 22:3, 23:3, 25:8, 25:11, 28:13, 30:3, 34:1, 36:13, 43:3, 50:23, 61:16, 61:25, 62:2, 66:15, 74:6, 79:21  
**numerous** 12:13  
**NY** 2:7  
  
**< O >**  
**o'clock** 74:16  
**O'neal** 23:23  
**object** 48:4  
**objected** 60:17, 60:19, 60:23  
**objecting** 37:21  
**objection** 9:24, 35:20, 45:1, 48:7, 48:23, 52:6  
**objections** 49:3, 59:25  
**obsolete** 9:14  
**Obtained** 62:4  
**obviously** 10:14, 66:16  
**occasion** 44:14  
**occurring** 48:14  
**occurs** 12:19  
**Odeh** 3:1  
**offense** 38:20, 39:2  
**offer** 48:7  
**offered** 45:2, 45:4, 59:25  
**Office** 2:5, 2:15, 2:24, 8:8, 8:19, 11:23, 49:9, 53:8, 53:9, 73:18  
**official** 79:5  
**often** 26:10  
**Okay** 7:7, 9:6, 13:17, 16:23, 28:1, 45:11, 63:25, 72:11, 76:12, 77:23, 78:10  
**once** 21:14, 28:12, 28:13, 31:4, 59:4, 75:16, 75:22  
**one.** 26:20  
**ones** 53:7, 61:14, 61:21, 73:23  
**Onori** 13:3  
**open** 18:13, 73:1  
**opened** 43:13  
**opening** 72:1

**openings** 33:20  
**operate** 10:21  
**operated** 28:14  
**operating** 11:21  
**Operation** 37:22, 53:3, 53:4  
**operational** 38:10  
**operatives** 53:5  
**opportunity** 20:23, 26:4, 74:9  
**oppose** 8:20  
**opposed** 21:23, 22:6, 25:24, 27:25  
**opposing** 17:8, 64:13  
**opposition** 51:2  
**option** 21:11  
**Order** 4:9, 4:16, 34:4, 61:1, 65:7, 70:3, 70:17, 70:20, 70:22, 70:24, 70:25, 71:7, 74:25, 75:24  
**organization** 37:10, 38:6, 39:13, 39:14, 39:15, 40:16, 41:10, 42:8, 42:21, 43:10, 43:14, 46:13, 47:5, 51:9, 51:12, 56:11, 56:12, 58:9, 58:18, 59:8  
**organizations** 37:18, 38:5, 46:6, 46:15, 47:23, 48:1, 48:6, 48:9, 59:13, 59:19  
**orient** 77:20  
**oriented** 77:5, 77:9  
**original** 4:22, 64:1, 74:1  
**originals** 73:20, 74:6  
**orphans** 38:12  
**Osama** 45:16, 52:8, 52:11, 52:23  
**Others** 4:4, 60:6, 60:14, 75:13  
**Otherwise** 6:7, 73:15  
**ourselves** 17:20, 17:22  
**outbreak** 25:6  
**outside** 21:1, 26:22, 54:25  
**outstanding** 61:10, 61:14, 66:9  
**outweighed** 45:21  
**outweighing** 44:11  
**overall** 24:3  
**overblown** 32:20  
**overrules** 48:7  
**oversaw** 6:14  
**overseas** 14:9

**own** 8:17, 11:8, 11:15, 12:24, 16:2, 20:5, 26:15, 30:6, 71:12  
**own.** 6:17

< P >

**P.** 2:15

**Pace** 43:24, 43:25, 44:9, 55:23

**Page** 16:20, 44:4, 44:5  
**pages** 79:7

**Palestine** 37:23, 54:25

**Palestinians** 50:9

**panel** 20:24, 20:25, 21:16, 21:17, 22:3, 23:3, 25:14, 25:15, 25:17, 26:16, 32:9, 77:1

**panels** 25:25, 74:25, 75:2, 77:3

**paper** 6:22, 7:10, 7:14, 16:21, 32:21, 73:24

**papers** 43:1, 64:13

**paragraph** 39:12

**paragraphs** 19:22

**paralegal** 11:10, 11:24, 16:18

**paralegals** 11:21

**part** 19:23, 30:25, 31:9, 40:13, 41:8, 46:9, 46:12, 54:11, 57:3, 57:5, 58:19, 58:20, 69:10

**particular** 33:21, 34:15, 45:4, 45:14, 48:4, 49:9, 54:11, 56:6, 56:11, 58:8, 61:21, 68:2, 68:15, 75:25

**Particularly** 33:25, 55:6

**parties** 4:18, 6:19, 13:6, 13:10, 16:22, 22:16, 22:19, 72:4, 76:4, 77:18

**parts** 15:20, 38:16, 38:19, 38:21

**pass** 62:18

**past** 8:23, 20:11, 21:9, 28:19, 28:20, 68:9

**Pattern** 12:12, 20:4

**pay** 76:7

**payment** 38:23

**pays** 76:15

**pending** 62:9, 65:2

**people** 20:25, 21:3, 22:22,

22:23, 23:3, 25:4, 26:17, 26:23, 27:2, 28:16, 34:1, 34:14, 46:19, 51:14, 55:3, 56:3

**Per** 21:13, 24:21, 24:22, 26:16, 26:17, 27:3, 28:8, 28:11

**percent** 14:16

**perhaps** 66:20

**permission** 5:1, 69:14, 75:7, 78:3

**permit** 44:19, 56:14, 69:22, 78:7

**permits** 44:11

**permitted** 43:12, 70:8

**person** 28:8, 28:11, 28:25, 34:15, 38:23, 39:12

**personally** 47:9, 68:18

**personnel** 8:12

**perspective** 64:12

**pertaining** 64:20

**pervasive** 32:19

**phone** 41:16, 42:4, 63:24

**photograph** 19:17

**photographs** 9:15, 19:1, 19:18

**picture** 19:13

**pictures** 19:11, 45:16

**piece** 36:19, 73:24

**pile** 73:12

**place** 20:16, 30:24, 31:10, 34:2, 54:14

**placed** 10:10, 56:25

**plain** 55:11

**plan** 21:21, 23:9, 31:13, 32:4, 33:4, 50:13

**plans** 34:4

**PLATT** 3:5

**playing** 12:4

**Plaza** 1:45

**pleadings** 4:10, 33:6

**plus** 23:22

**PO** 2:25

**point** 5:14, 13:21, 18:17, 21:16, 29:2, 35:19, 36:3, 43:7, 55:9, 56:13, 57:23, 59:24, 71:25

**pointed** 57:3

**points** 13:16, 60:16

**Policies** 49:12

**political** 52:20, 55:13, 55:14, 55:19

**pool** 7:22, 15:6

**portable** 6:13

**portion** 6:2, 22:16

**portrayed** 19:14, 32:24

**position** 17:9, 17:23, 32:11, 33:8, 34:23, 35:19, 35:21, 37:17, 37:24, 37:25, 53:23, 61:7, 77:23

**positive** 22:4, 22:20

**possession** 52:21

**possibility** 71:24, 72:19

**possible** 13:6, 13:17, 16:4, 17:24, 61:12, 74:17

**poster** 9:20, 56:9

**posters** 49:6, 52:7, 52:8, 52:9, 52:16, 52:21, 52:22, 53:18, 57:7

**potential** 23:8, 24:15, 33:12, 64:20, 67:20

**practicable** 6:21

**practical** 7:1

**practice** 35:5

**precluded** 39:3

**prediction** 29:16

**prejudice** 36:3, 41:19, 44:11, 45:1, 45:19, 45:22, 59:24

**prejudicial** 38:2, 38:7, 38:19, 41:13, 44:10, 44:18, 51:18

**preliminary** 25:20

**preparation** 29:20, 36:9

**prepare** 18:18, 68:24

**prepared** 36:1, 63:19

**preparing** 35:8

**prerogative** 29:8

**prescribed** 79:11

**present** 40:4, 43:12

**presentation** 70:22

**preserve** 44:20

**presided** 71:16

**press** 6:18, 7:19

**presumably** 75:11

**PRETRIAL** 1:16, 4:2, 4:17, 13:4, 32:7, 32:19, 35:1, 74:13, 74:15

**pretty** 25:7

**prevent** 51:14

**previous** 16:24, 31:25

**previously** 43:3

**primary** 12:16, 13:23  
**principally** 34:24  
**prior** 6:10  
**probably** 15:10, 16:16, 18:15, 23:7, 23:9, 24:12, 26:22, 67:11, 75:12, 76:1  
**probative** 44:11, 44:17, 50:19  
**problem** 21:22, 25:22, 29:17, 33:22, 41:22, 54:16, 58:2, 67:17, 68:20, 75:8  
**problematic** 77:12  
**procedure** 19:9, 22:22, 71:20  
**procedures** 20:10, 33:10  
**proceeding** 44:20  
**proceedings** 50:9, 79:4, 79:6  
**process** 23:5, 27:19, 29:23, 30:15, 30:19, 75:9, 76:12, 77:21  
**produce** 12:24  
**produced** 13:8  
**product** 15:18  
**productive** 73:2  
**progress** 17:2  
**prohibit** 35:13  
**prohibited** 68:6  
**project** 58:17  
**prolonging** 33:2  
**promised** 74:7  
**prone** 41:1  
**proof** 21:18, 25:19, 48:8, 77:10  
**proposal** 24:9, 24:10, 31:14, 31:17, 67:4  
**propose** 22:19, 66:23  
**proposed** 17:6, 30:12, 33:4, 33:10, 60:18, 77:25  
**prosecuted** 56:13, 56:21  
**prosecution** 12:20, 42:23, 49:1, 57:2, 71:15, 71:18  
**prosecutor** 14:8  
**protect** 43:4, 64:10  
**protected** 56:16  
**protocol** 31:22  
**prove** 50:12, 51:8  
**provenance** 53:14  
**provide** 59:1, 63:20, 70:14  
**provided** 37:20, 40:3, 53:7,

59:17  
**providing** 59:6, 64:22  
**provision** 54:19  
**publicity** 32:20  
**punish** 55:3, 56:3  
**purpose** 57:11  
**put** 4:9, 33:19, 42:22, 51:3, 53:14, 55:17, 56:1, 64:17, 68:13, 75:24  
**puts** 22:25, 42:6  
**putting** 51:14, 57:12, 77:7

#### < Q >

**Qaeda** 45:14, 45:18, 49:18, 49:21, 49:23, 52:7, 55:7, 55:10, 55:15, 57:9, 57:10  
**quantities** 53:4, 53:5  
**quash** 64:8  
**question** 5:22, 9:14, 10:13, 11:6, 14:18, 21:7, 27:7, 27:21, 28:2, 28:21, 46:8, 58:6, 60:12, 68:15, 69:23, 72:8, 72:18, 76:18  
**questioned** 28:24, 31:15  
**questioning** 24:24, 77:7  
**questionnaire** 5:2, 21:5, 23:7, 32:14  
**questionnaires** 5:2, 23:5, 26:5, 26:10, 75:11  
**Questions** 4:19, 20:23, 22:8, 22:19, 27:13, 27:22, 32:16, 71:5  
**quickly** 8:15  
**quite** 17:23, 55:11  
**quotation** 43:25  
**quote** 6:2, 44:7  
**quoted** 43:23, 44:4

#### < R >

**raid** 49:13  
**raise** 13:5, 33:16, 67:19, 74:9  
**raised** 49:3, 49:24, 60:4, 63:10, 67:10  
**raises** 5:22, 52:25, 65:6  
**raising** 57:22, 57:24  
**rallies** 46:5  
**random** 75:24

**range** 58:11  
**rank** 50:19  
**rate** 27:2, 76:19  
**Rather** 12:23, 15:21, 22:13, 52:18  
**reach** 23:18, 69:7, 69:9  
**reaction** 67:16  
**read** 6:8, 8:15, 29:8, 29:13, 29:14, 36:9, 39:10, 49:2, 54:22, 54:23  
**ready** 19:12, 43:21, 61:4, 61:6  
**real** 61:1, 75:3  
**realize** 8:22, 29:7, 60:10, 73:3  
**realized** 35:8  
**really** 13:25, 15:17, 17:8, 22:25, 25:7, 25:25, 26:18, 27:24, 29:23, 32:25, 38:17, 38:24, 39:1, 41:3, 41:20, 51:13, 56:4, 67:12, 68:10, 69:1, 69:23, 72:17, 74:25, 77:13  
**rearraigned** 18:2  
**rearraignment** 18:9  
**reason** 10:7, 30:25, 42:18, 45:18, 76:5  
**reasonable** 20:18  
**reasons** 42:17, 43:13, 71:11  
**recall** 14:3, 18:11, 19:5, 32:2, 32:3, 32:4  
**received** 14:19, 21:6, 39:21, 63:16  
**receiving** 65:9  
**recent** 68:9  
**recently** 8:24, 17:17, 18:24, 66:11  
**receptive** 70:25  
**recess** 74:11, 78:10  
**recognize** 8:23, 30:1, 43:25  
**recollection** 18:21, 52:8  
**reconsider** 63:11, 63:15  
**record** 9:20, 19:23, 62:19, 64:18, 71:16  
**recording** 12:17  
**records** 16:25, 17:7, 66:4  
**red** 41:21  
**reduce** 4:12  
**reference** 49:16  
**referring** 46:13

**reflect** 9:21  
**refresh** 21:7  
**regard** 51:25  
**Regarding** 4:9, 49:4, 61:16, 70:21, 77:17  
**regret** 71:18  
**regular** 75:17, 76:2  
**reiterate** 29:25  
**related** 38:9, 38:16, 45:17, 47:19, 48:24, 49:17, 52:7  
**relates** 38:18  
**relating** 48:1, 50:8  
**relation** 41:12  
**relationship** 48:8, 57:6  
**relationships** 42:9  
**relax** 44:19  
**relevance** 36:16, 44:19, 44:21, 46:7, 51:20, 51:24, 52:4, 55:7, 60:23  
**Relevant** 40:24, 41:18, 44:10, 44:12, 53:25, 64:12, 64:25  
**reliance** 50:14  
**Religious** 34:11, 61:17  
**reluctant** 73:6  
**rely** 12:9, 20:6  
**relying** 13:25, 30:23, 70:13  
**remarks** 20:21, 20:23, 25:20, 74:20  
**remedy** 12:23  
**remember** 4:14, 18:6, 18:10, 19:19, 20:22, 25:10, 29:19, 29:20, 29:21, 29:23, 44:2  
**remind** 45:20, 58:16  
**reminded** 17:25  
**remote** 31:5  
**render** 59:10  
**renew** 61:5  
**renewed** 36:4, 48:23  
**repeat** 16:13  
**repeats** 16:14  
**report** 6:6, 16:18  
**reported** 14:6  
**REPORTER** 3:13, 5:25, 6:14, 8:1, 8:23, 18:11, 64:6, 79:5, 79:18  
**reports** 51:4  
**represent** 40:18  
**representation** 43:16  
**representations** 30:23

**representatives** 6:15  
**represented** 42:25  
**request** 9:3, 15:19, 17:16, 34:17, 65:8, 69:22, 70:7, 70:12, 76:10  
**requested** 7:14  
**requests** 65:12, 66:9  
**require** 38:15  
**required** 35:1  
**Requirements** 34:20  
**requires** 30:2, 41:24  
**reserved** 48:21  
**resolve** 15:23  
**resolved** 17:10  
**resources** 35:6, 37:20, 59:1, 59:7  
**respect** 10:5, 37:3, 37:22, 50:3, 64:5, 64:9, 78:4  
**respectfully** 32:12, 41:23  
**respective** 71:9  
**respond** 17:12, 39:4, 39:6, 47:11, 58:15  
**responded** 34:21, 62:12, 66:12  
**response** 22:5, 36:1, 37:24, 39:7, 43:22, 44:5, 47:13, 48:19  
**responses** 22:21  
**rest** 4:14, 7:19, 39:3  
**Restoration** 61:17  
**result** 30:15, 38:23  
**results** 18:24  
**resume** 78:11  
**reverse** 40:12  
**review** 20:19, 24:9, 45:15, 50:11, 50:15, 64:24, 65:1  
**reviewed** 20:12, 29:18, 39:7  
**reviews** 19:8  
**reward** 38:25  
**rewarded** 38:13  
**rid** 21:18  
**rights** 58:1  
**ring** 32:23  
**Rm** 3:14  
**room** 60:8, 70:5  
**round** 23:3  
**routine** 37:11  
**row** 25:25  
**Rule** 8:10, 9:24, 10:8, 29:2, 29:3, 34:20, 43:21, 44:6,

44:14, 44:18, 44:19, 45:5, 65:13, 65:14, 66:15, 66:24, 67:6, 68:7, 68:9, 68:10, 68:18, 69:18, 69:20  
**ruled** 61:11, 72:6  
**Rules** 10:6, 10:14, 25:12, 44:6  
**ruling** 35:25, 63:11, 69:8, 72:18  
**rulings** 62:22  
**rummage** 6:17, 8:17  
**running** 27:25, 74:25

**< S >**  
**sake** 44:17  
**San** 2:33  
**sanitized** 44:14  
**save** 30:19  
**saw** 17:13, 53:15  
**saying** 8:11, 23:2, 27:25, 33:3, 38:25, 41:4, 41:8, 42:2, 51:7, 54:22, 55:12, 56:13, 57:11, 57:20  
**says** 5:25, 6:1, 8:7, 8:13, 8:16, 22:14, 29:6, 30:10, 32:21, 35:21, 41:16, 54:13, 54:19, 54:20, 56:16, 56:20, 56:22, 57:24, 59:1, 59:2, 62:19, 70:21  
**scan** 6:22, 7:11, 8:8  
**scanned** 6:14, 63:24, 63:25  
**scanner** 6:13  
**scanning** 43:21  
**scant** 44:16  
**scenarios** 44:13  
**schedule** 22:11, 33:13, 34:6, 34:14, 34:15  
**scope** 33:25  
**screen** 11:12  
**screens** 11:12  
**seal** 62:5  
**Sealed** 32:8, 62:3  
**search** 37:22  
**seats** 11:10  
**second** 21:24, 23:4, 23:15, 40:13, 40:14, 45:12, 70:10  
**secondary** 12:16  
**secondly** 49:15  
**Section** 39:9, 57:25

**seem** 36:2  
**seemed** 8:18  
**seems** 21:10, 21:25, 69:10  
**seen** 5:8, 8:24, 9:22  
**seized** 37:23, 38:1, 48:16, 49:4, 49:13, 49:22, 52:9, 53:2, 53:4, 53:5, 54:24  
**select** 7:7  
**selected** 31:4, 33:20, 71:25, 75:16  
**selection** 10:20  
**sell** 47:2  
**seminars** 46:5  
**send** 19:3, 19:12  
**sending** 14:9  
**sense** 32:12, 32:14, 56:20, 58:8, 75:22  
**sent** 17:6, 18:8, 32:15, 63:24  
**series** 39:9  
**serious** 15:8  
**serve** 43:10  
**serving** 76:6  
**session** 10:5, 20:20, 21:4, 23:13, 72:2, 72:11  
**sessions** 20:13, 21:4, 22:2  
**set** 5:17, 32:25  
**Seven** 24:22  
**several** 19:19, 36:15, 36:16, 45:9  
**shall** 54:20, 56:20, 57:25  
**SHAPIRO** 1:27, 8:3, 8:25, 19:24, 33:16, 52:4, 52:6, 52:15, 54:15, 58:15, 60:17, 63:8, 63:18  
**share** 66:22  
**sharing** 9:4, 68:7  
**Shield** 37:22, 53:3  
**shoes** 43:18  
**short** 59:6, 63:7, 64:5  
**shorten** 17:10  
**shortly** 65:5  
**shouldn't** 42:22, 51:19, 53:12, 55:17  
**show** 47:1, 47:3, 47:5, 51:6, 52:16, 52:18, 57:4, 57:8, 58:19, 59:12, 59:16, 62:8  
**shown** 79:6  
**shows** 50:16, 55:18  
**shred** 19:22  
**Shukri** 1:38

**side** 5:8, 7:23, 12:24, 15:25, 24:21, 24:22, 29:1, 30:13, 39:6, 66:23, 71:3, 71:8, 74:9, 78:8  
**sides** 5:7, 11:15, 11:21, 13:20, 24:21, 26:11, 69:4  
**sign** 31:6  
**signature** 5:24, 64:1  
**signed** 18:9  
**similar** 42:17  
**simply** 35:3, 56:9  
**sir** 4:21, 5:16, 5:19, 11:7, 12:3  
**sit** 68:3, 69:15  
**site** 48:12, 48:14, 50:22, 51:1, 51:9, 51:12  
**sites** 48:10, 50:23  
**sitting** 11:10, 22:12, 25:4, 77:6  
**six** 25:12, 26:21  
**sixteen.** 25:9  
**sixty** 23:8, 23:13  
**size** 9:20, 24:14, 33:25  
**slightly** 34:9  
**small** 21:12, 22:6, 24:13, 31:16  
**smaller** 21:6, 21:24, 46:1  
**smoothly** 16:3  
**social** 58:20, 58:21, 58:24  
**socialization** 39:25  
**sole** 12:17  
**solely** 56:21  
**somebody** 25:19, 26:25, 54:23  
**somehow** 75:17  
**someone** 9:8, 39:5  
**sometime** 26:6  
**somewhat** 71:8  
**soon** 17:24  
**sorry** 30:21, 35:8, 45:10, 49:1, 52:15, 71:14  
**sort** 41:6, 71:3, 76:11  
**sorted** 66:13  
**sorts** 51:4  
**sounds** 21:21  
**source** 64:9, 64:11, 64:14, 64:16  
**sparing** 44:15  
**sparingly** 44:7  
**speakers** 12:18

**speaking** 46:19  
**special** 30:2  
**specific** 38:22, 38:23, 39:2, 45:1, 67:3, 70:11  
**specifically** 42:24, 52:22  
**speed** 64:1  
**spend** 26:18, 26:20, 76:23  
**spent** 24:25, 25:1, 28:6  
**spoke** 75:5  
**sponsored** 46:5  
**spots** 36:21, 46:2  
**St** 2:31  
**stage** 56:4  
**stages** 62:17, 62:21  
**stand** 19:17  
**standard** 22:15, 65:14, 77:19  
**start** 23:6, 24:10, 35:18, 65:12, 66:1, 77:11, 77:17  
**started** 11:5, 18:24, 77:18  
**starts** 35:19, 44:3  
**state** 28:4, 51:6, 51:11, 56:15, 59:14, 59:17  
**Statements** 34:19, 36:18, 50:3, 50:4, 72:1  
**STATES** 1:1, 1:5, 1:29, 1:30, 4:3, 13:2, 14:6, 34:24, 39:8, 43:23, 50:24, 50:25, 51:2, 55:1, 71:17, 79:12, 79:18  
**status** 29:9, 31:25  
**statute** 39:10, 54:19, 54:20, 55:2, 56:14, 56:20  
**stay** 33:13, 73:10  
**stenotypy** 79:5  
**step** 10:7, 22:25, 24:7, 24:13, 26:3  
**Steve** 64:6  
**Stewart** 62:7, 62:16, 62:19  
**stick** 61:15  
**Stickney** 64:7  
**stipulate** 16:25, 17:14, 26:7  
**stipulation** 17:6, 26:11  
**stipulations** 17:15, 66:2, 66:3, 72:9  
**stop** 28:14, 37:7  
**stopping** 72:14  
**stops** 27:9, 28:5  
**stories** 8:24, 32:21  
**strategy** 71:12  
**Street** 1:33, 2:6, 3:14, 56:10  
**stretched** 24:5

**strict** 24:23  
**struck** 25:17, 25:23, 28:25  
**structure** 58:24  
**stuff** 38:24  
**subject** 9:12, 10:4  
**subpoena** 64:8  
**Subsection** 39:11  
**substantial** 73:9, 74:6  
**substantive** 66:6  
**substitute** 64:1  
**sufficient** 25:6  
**sufficiently** 65:17  
**suggested** 13:2, 28:17  
**suggestion** 62:7  
**suicide** 37:2, 38:13, 38:14, 38:16, 39:23, 41:5, 41:16, 42:2  
**Suite** 1:45, 2:16, 3:7  
**summarize** 35:11  
**Summit** 3:7  
**summons** 32:15  
**superseding** 18:1, 18:3, 18:8  
**Support** 36:8, 40:1, 40:3, 43:9, 43:10, 55:4, 55:5, 55:10, 58:8, 58:13, 58:18, 59:6, 59:7, 59:8, 59:17  
**supported** 52:10, 52:17  
**supporting** 31:23, 55:3, 55:8, 55:14  
**suppose** 61:6, 61:11  
**Suppress** 62:3  
**Supreme** 35:4, 56:2  
**surprised** 32:1  
**Surveillance** 62:4  
**suspect** 69:22  
**switch** 70:25  
**sworn** 76:2  
**sympathizer** 56:9  
**sympathizing** 55:3  
**sympathy** 59:6  
**sync** 51:1  
**system** 10:4, 28:14

< T >

**table** 16:7, 69:15  
**talked** 20:19, 21:11  
**talks** 30:4, 40:13  
**Tampa** 2:26

**tape** 12:16, 12:17, 13:22, 13:23, 14:12  
**tapes** 12:1, 12:2, 15:4  
**tapped** 74:20  
**target** 31:10  
**task** 15:9  
**technique** 38:14  
**technologically** 10:21  
**tee'd** 73:4  
**ten** 24:6, 25:3, 25:5, 25:18, 27:22, 31:15  
**tenure** 36:22  
**TERESA** 1:42  
**term** 59:9  
**terms** 18:14, 20:11, 24:3, 32:11, 55:4  
**terrorism** 36:25, 43:19  
**terrorism.** 39:16  
**terrorist** 37:21, 37:24, 38:5, 38:22, 39:13, 39:15, 39:23, 40:3, 40:5, 40:7, 42:18, 42:21, 43:10, 43:14, 45:14, 52:11, 56:12, 58:18, 59:8  
**Tesemel** 60:20  
**testified** 19:6  
**testifies** 65:15  
**testify** 19:2, 19:12, 40:7, 61:5, 69:18, 69:19, 70:4  
**testifying** 19:15, 70:6  
**testimony** 13:25, 36:22, 41:24, 64:13, 66:22, 68:7, 70:4, 70:9, 72:17  
**TEXAS** 1:2, 1:31, 1:34, 2:17, 3:8, 3:15, 79:19  
**thanks** 5:5  
**theirs** 66:25, 67:5  
**theories** 38:12  
**theory** 37:10, 37:13, 38:21, 47:3  
**therein** 34:24  
**thinking** 72:10  
**third** 23:18, 69:17  
**Thirty** 21:13, 24:2, 25:23, 76:24  
**though** 75:19  
**thousands** 15:7  
**three** 4:8, 20:16, 21:3, 40:22, 65:12, 66:18, 71:19, 73:23  
**throughout** 13:14, 76:8  
**throw** 25:13

**thrust** 44:5  
**today** 7:7, 29:20, 30:13, 35:9, 36:9, 63:2, 63:5  
**together** 30:3, 46:1, 63:11  
**tomorrow** 26:5  
**took** 43:15, 54:14, 72:7, 79:5  
**top** 10:11, 11:8, 11:9, 11:11, 11:15, 11:16, 11:19, 25:13, 44:5  
**Tops** 12:5, 25:24  
**torture** 60:22  
**total** 59:19  
**Tower** 3:6  
**traditional** 27:15  
**Trahan** 5:25, 9:3, 9:10, 9:11  
**training** 10:5, 11:22, 11:25  
**transcribed** 79:6  
**TRANSCRIPT** 1:17, 12:15, 12:21, 12:23, 12:25, 13:6, 13:11, 13:19, 13:25, 16:8, 16:9, 29:9, 29:19, 79:8, 79:10  
**transcription** 14:1  
**transcriptions** 13:15  
**transcripts** 12:9, 12:11, 14:19, 14:20, 15:4, 16:19, 20:12, 33:5  
**translation** 15:5, 67:23  
**translations** 15:16, 67:24  
**translator** 14:1  
**translators** 66:25, 67:1, 67:3, 67:5, 67:20, 68:13  
**transport** 31:7  
**treating** 32:13  
**trials** 44:12, 48:17, 48:22  
**tried** 4:13, 16:7  
**true** 15:8, 41:6, 54:15, 79:8  
**try** 6:18, 13:19, 15:22, 15:25, 17:10, 17:24, 34:3, 41:19, 52:19, 54:10, 54:18, 65:16, 74:5, 78:7  
**trying** 14:18, 14:20, 15:8, 17:13, 17:22, 26:14, 66:12  
**turn** 11:3, 65:16  
**turned** 64:25  
**turns** 27:22  
**twenty-five** 26:23, 27:8  
**twenty-four** 76:21  
**twice** 35:7  
**two** 4:8, 14:19, 16:15, 20:24, 21:3, 22:2, 23:25, 40:4,



48:17, 60:19, 69:14  
**two.** 23:25  
**type** 46:13, 47:5, 50:12,  
54:18, 57:16  
**typically** 16:11, 46:12

< U >

**unavailability** 34:12  
**unavailable** 33:18  
**unclassified** 64:23  
**understand** 6:6, 11:20,  
12:21, 13:22, 14:24, 22:2,  
23:2, 23:4, 33:5, 33:8, 41:25,  
42:3, 42:7, 53:20, 54:7,  
57:10, 57:19, 57:20, 67:25,  
77:23  
**understanding** 12:10, 13:9,  
26:4, 31:14, 37:16, 68:10,  
68:25  
**understood** 20:17, 31:12,  
31:18, 37:9, 63:14  
**undue** 35:6  
**unduly** 20:6  
**unfair** 44:10, 45:22  
**Unfortunately** 10:20, 63:1,  
63:9  
**UNITED** 1:1, 1:5, 1:29, 1:30,  
4:3, 13:2, 14:6, 34:24, 39:8,  
43:23, 50:24, 50:25, 51:2,  
55:1, 71:17, 79:12, 79:18  
**Unlawful** 39:11  
**Unless** 21:1, 38:21, 41:17,  
44:12, 68:22, 70:23  
**unmonitored** 51:23  
**unnecessary** 24:7  
**unreal** 44:13  
**unrelated** 37:1, 37:5, 37:8,  
37:15, 46:19  
**until** 17:13, 78:10  
**unusual** 28:20, 30:1  
**Using** 6:13, 11:15, 25:23,  
26:23, 32:14  
**usual** 30:4

< V >

**vacuum** 59:19  
**vague** 68:10  
**value** 44:11, 50:19

**van** 31:7  
**variety** 71:11  
**various** 13:15, 49:5, 50:9,  
53:19, 62:17, 62:21  
**varying** 71:7  
**vast** 53:4, 53:5  
**vein** 69:13  
**verbal** 16:12  
**versa** 30:8  
**version** 12:24, 13:1, 16:15  
**versions** 13:7  
**VERSUS** 1:8  
**vice** 30:8  
**victim** 40:20, 40:22, 40:25  
**victims** 40:6, 42:17  
**video** 12:1, 12:17, 15:4  
**view** 68:23  
**violate** 39:12, 50:7  
**violence** 36:25, 37:4, 37:11  
**violent** 40:16  
**virtually** 12:14  
**visit** 29:8  
**voir** 4:19, 4:25, 20:10, 22:1,  
22:15, 22:16, 22:17, 22:20,  
23:9, 23:13, 23:14, 24:3,  
25:21, 28:7, 28:8, 29:12,  
31:13, 31:23, 33:1, 33:7,  
33:11, 77:12, 77:17, 77:19  
**volume** 16:20, 65:16, 69:15  
**voluminous** 4:10, 5:21,  
62:25

< W >

**wait** 31:16  
**waiting** 72:3  
**waiver** 18:8, 18:16, 18:18  
**walk** 36:19  
**Wall** 2:6, 74:10  
**wanted** 4:5, 5:20, 12:10,  
13:21, 18:23, 20:18, 21:6,  
21:7, 33:16, 33:19, 34:16,  
64:15, 64:17, 67:15, 71:24,  
75:19  
**wants** 7:11, 7:23, 10:7,  
58:22, 64:10  
**waste** 28:15  
**wasted** 28:16  
**wasting** 72:10, 72:21  
**watching** 22:13, 27:8

**water** 43:18  
**wearing** 19:14  
**web** 48:10, 48:11, 48:13,  
50:22, 50:23, 51:1, 51:9,  
51:12  
**week** 9:8, 30:22, 30:25, 31:1,  
31:2, 41:1, 50:14, 65:17  
**weekend** 26:6  
**weeks** 71:19  
**weight** 56:25  
**WESTFALL** 3:4, 3:5, 16:5,  
18:18, 21:9, 21:10, 24:8,  
24:17, 24:22, 25:13, 26:18,  
26:24, 28:22, 29:1, 30:20,  
46:22, 47:9, 70:20, 73:10,  
74:24, 75:3, 75:14, 76:21,  
78:9  
**whatever** 13:16, 77:17  
**Whether** 6:21, 9:9, 10:1,  
10:13, 12:21, 17:14, 17:15,  
22:10, 23:17, 28:24, 41:9,  
53:10, 58:7, 67:7, 67:18,  
68:15, 69:23  
**whole** 20:24, 25:1, 25:17,  
32:6, 39:10, 60:10, 77:1  
**whom** 47:16  
**widows** 38:12  
**willing** 9:10, 20:17, 24:23,  
30:20, 65:25, 73:25  
**wind** 52:3  
**window** 38:24  
**wing** 40:2  
**wings** 42:9  
**wish** 6:2  
**within** 20:16, 20:17, 27:15,  
50:13, 69:1, 69:21  
**without** 36:3, 44:25, 45:3,  
48:12, 57:17, 59:24, 73:7,  
73:9  
**witness** 4:19, 4:24, 8:2, 8:19,  
9:1, 11:1, 11:2, 19:12, 19:16,  
19:20, 33:17, 33:18, 33:22,  
34:4, 34:7, 34:12, 39:18,  
49:19, 50:1, 61:2, 61:4, 61:7,  
63:12, 65:15, 65:16, 66:5,  
66:6, 67:16, 68:2, 68:15,  
68:16, 70:10, 71:4, 72:6,  
72:16  
**witness-by-witness** 67:12  
**witnesses** 17:1, 19:2, 34:4,

40:6, 43:5, 64:21, 65:10,  
66:1, 66:16, 67:21, 68:11,  
68:17, 69:16, 70:3, 70:5,  
71:2, 73:9  
**wonderful** 56:11  
**wondering** 11:14  
**word** 34:14  
**words** 58:16, 70:7  
**work** 7:6, 15:17, 24:16,  
71:21, 78:7  
**worked** 4:14, 30:3, 47:16,  
72:9  
**working** 5:14, 32:22, 62:15,  
62:16, 62:20, 71:22  
**works** 76:15  
**world** 56:12  
**worse** 42:25  
**Worth** 3:8  
**wrinkle** 7:25  
**writing** 4:12, 6:9, 19:2, 34:21  
**written** 16:13, 55:21  
**wrote** 43:1, 43:2, 49:25

< Y >

**yea** 73:5  
**years** 30:3  
**yesterday** 10:5, 17:17,  
21:11, 48:3  
**yield** 35:15  
**York** 2:7, 30:7, 42:13  
**yourself** 19:15  
**yourselves** 17:18

< Z >

**zakat** 37:18, 40:1, 40:2,  
47:15, 49:5, 49:9, 52:10,  
53:19, 55:9, 55:12, 55:24,  
57:4, 57:6, 58:4  
**zakats** 40:1, 58:19  
**zero** 54:13